

Tab 1 SB 1078 by Hutson; (Identical to H 00783) Soil and Water Conservation Districts							
586774	D	S	RCS	EN, Hutson	Delete everything after	01/24	05:01 PM
890204	AA	S	RCS	EN, Hutson	Delete L.63:	01/24	05:01 PM

Tab 2 SB 1110 by Rouson; (Identical to H 01177) Grease Waste Removal and Disposal							
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Tab 3 SB 1434 by Rodriguez; (Identical to H 01077) Public Financing of Potentially At-risk Structures and Infrastructure							
219484	A	S	RCS	EN, Rodriguez	Delete L.19 - 33:	01/24	05:01 PM

Tab 4 SB 1556 by Gruters; (Identical to H 00967) Golf Course Best Management Practices Certification							
374248	A	S	RCS	EN, Gruters	Delete L.45 - 66:	01/24	05:01 PM

Tab 5 SB 1666 by Polsky; (Identical to H 01257) Discharge and Use of Firefighting Foam							
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Tab 6 SB 1418 by Albritton; (Similar to H 01475) Soil and Groundwater Contamination							
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Tab 7 SB 1816 by Stewart; (Compare to H 01377) Land Acquisition Trust Fund							
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ENVIRONMENT AND NATURAL RESOURCES

Senator Brodeur, Chair
Senator Stewart, Vice Chair

MEETING DATE: Monday, January 24, 2022
TIME: 3:00—5:00 p.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Building*

MEMBERS: Senator Brodeur, Chair; Senator Stewart, Vice Chair; Senators Albritton, Ausley, Bean, and Perry

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1078 Hutson (Identical H 783)	Soil and Water Conservation Districts; Abolishing all soil and water conservation districts in this state; transferring the assets and liabilities of such districts, etc. EN 01/24/2022 Fav/CS AEG AP	Fav/CS Yeas 4 Nays 1
2	SB 1110 Rouson (Identical H 1177)	Grease Waste Removal and Disposal; Requiring grease waste haulers to dispose of grease waste at disposal facilities; prohibiting grease waste haulers from returning grease waste and graywater to certain grease interceptors and traps and from disposing of grease waste at locations other than disposal facilities; requiring haulers to document grease waste removal and disposal with service manifests; requiring inspecting entities to verify certain contracts and service manifests, etc. EN 01/24/2022 Favorable AEG AP	Favorable Yeas 6 Nays 0
3	SB 1434 Rodriguez (Identical H 1077)	Public Financing of Potentially At-risk Structures and Infrastructure; Providing that certain areas are at risk due to sea-level rise and structures and infrastructure within those areas are potentially at risk; providing an additional requirement for the standard for conducting a SLIP study, etc. EN 01/24/2022 Fav/CS AEG AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, January 24, 2022, 3:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1556 Gruters (Identical H 967)	Golf Course Best Management Practices Certification; Directing the Department of Environmental Protection to work and cooperate with the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences to administer a certification for golf course best management practices and provide and approve certification training and testing programs; providing certification and recertification requirements; providing that such certification exempts persons from certain local testing and local ordinance regulations, etc. EN 01/24/2022 Fav/CS AEG AP	Fav/CS Yeas 5 Nays 0
5	SB 1666 Polsky (Identical H 1257)	Discharge and Use of Firefighting Foam; Prohibiting fire service providers from discharging or using Class B firefighting foam that contains intentionally added PFAS chemicals, beginning on a specified date; providing an exception, etc. EN 01/24/2022 Favorable GO AP	Favorable Yeas 6 Nays 0
6	SB 1418 Albritton (Similar H 1475)	Soil and Groundwater Contamination; Requiring the Department of Environmental Protection to adopt rules for statewide cleanup target levels for perfluoroalkyl and polyfluoroalkyl substances in soil and groundwater; prohibiting such rules from taking effect until ratified by the Legislature; requiring the Office of Program Policy Analysis and Government Accountability to conduct a specified analysis of certain assessment and cleanup programs and submit a report to the Governor and the Legislature by a specified date, etc. EN 01/24/2022 Temporarily Postponed AEG AP	Temporarily Postponed
7	SB 1816 Stewart (Compare H 1377)	Land Acquisition Trust Fund; Extending the date by which the Legislature intends for bonds issued to fund the Florida Forever Act to be retired; requiring a specified annual appropriation to the Florida Forever Trust Fund; deleting an obsolete provision; prohibiting the use of certain moneys distributed from the Land Acquisition Trust Fund for specified costs, etc. EN 01/24/2022 Favorable AEG AP	Favorable Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Environment and Natural Resources

Monday, January 24, 2022, 3:00—5:00 p.m.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1078

INTRODUCER: Environment and Natural Resources Committee and Senator Hutson

SUBJECT: Soil and Water Conservation Districts

DATE: January 24, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1078 provides that new soil and water conservation districts (SWCDs) must be subdivided into five numbered subdivisions that match, as practicable, the boundaries of either the five county commission districts or five school board districts within the county. If neither the county commission nor the school board is subdivided into five districts, the Department of Agriculture and Consumer Services shall subdivided the SWCD into five numbered subdivisions as nearly equal in area as practicable.

The bill allows one SWCD supervisor to be elected from each of the five numbered subdivisions, and provides for staggered terms for supervisors.

The bill requires SWCD supervisors to be eligible voters who reside within the numbered subdivisions from which they are elected and to be actively engaged in farming or animal husbandry.

The bill provides that the term of a supervisor serving on an SWCD governing body at the time the amended bill becomes a law expires on January 10, 2023. The bill provides that by January 1, 2023, an SWCD in existence on July 1, 2022, which was not initially subdivided, must be subdivided in the manner provided by the bill.

II. Present Situation:

Special Districts

A special district is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.¹ Special districts are created by general law, special act, local ordinance, or by rule of the governor and cabinet.² A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district's charter.³ Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.⁴ Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.⁵

A dependent special district is a special district where:

- The membership of the governing body is identical to the governing body of a single county or municipality,
- All members of the governing body are appointed by the governing body of a single county or municipality,
- Members of the district's governing body are removable at will by the governing body of a single county or municipality, or
- The district's budget is subject to the approval of the governing body of a single county or municipality.⁶

An independent special district is any district that is not a dependent special district.⁷

According to the Department of Economic Opportunity's (DEO's) Special District Accountability Program Official List of Special Districts, as of January 18, 2022, the state had 1,835 special districts.⁸ There were 1,217 independent special districts and 618 dependent districts.⁹ Special districts are governed generally by the Uniform Special District Accountability Act (Act).¹⁰ The Act centralizes provisions governing special districts and applies to the

¹ Florida Assoc. of Special Districts, *What Districts Do*, <https://fasd.com/what-districts-do/> (last visited Jan. 17, 2022).

² See ss. 189.031(3), 189.02(1), and 190.005(1), F.S. See, generally, s. 189.012(6), F.S.

³ 2020 – 2022 *Local Gov't Formation Manual*, 64, available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3117&Session=2021&DocumentType=General+Publications&FileName=2021-2022+Local+Government+Formation+Manual.pdf> (last visited Jan. 17, 2022).

⁴ *Id.*

⁵ *Id.* at 70-73.

⁶ Section 189.012(2), F.S.

⁷ Section 189.012(3), F.S.

⁸ DEO, Special District Accountability Program, *Official List of Special Districts*, specialdistrictreports.floridajobs.org/webreports/StateTotals.aspx (last visited Jan. 18, 2022).

⁹ *Id.*

¹⁰ Section 189.01, F.S., but see ch. 190, F.S. (community development districts), ch. 191, F.S. (independent special fire control districts), ch. 298, F.S. (water control districts), ch. 388, F.S. (mosquito control districts), and ch. 582, F.S. (soil and water conservation districts).

formation,¹¹ governance,¹² administration,¹³ supervision,¹⁴ merger,¹⁵ and dissolution¹⁶ of special districts, unless otherwise expressly provided in law.¹⁷

Soil and Water Conservation Districts

There are 56 active soil and water conservation districts (SWCDs).¹⁸ All SWCDs are created by the Department of Agriculture and Consumer Services (DACS) upon petition by landowners in the proposed district.¹⁹ DACS must provide for an annual audit of the accounts of receipts and disbursements for each district.²⁰

SWCDs' stated purpose is to provide assistance, guidance, and education to landowners, land occupiers, the agricultural industry, and the general public in implementing land and water resource protection practices.²¹ In order to do this, SWCDs partner with a variety of entities, including DACS and its Office of Agricultural Policy, the U.S. Department of Agriculture, the Natural Resources Conservation Service, the National Association of Conservation Districts, the Association of Florida Conservation Districts, the Florida Conservation District Employees Association, the University of Florida's Institute of Food and Agricultural Sciences, the Florida Department of Environmental Protection (DEP), the water management districts, Florida Farm Bureau, DEO, and counties.²²

The authority of SWCDs overlaps significantly with other land and water resource management agencies, such as DEP,²³ DEO,²⁴ and the water management districts.²⁵ Due to this jurisdictional overlap, SWCDs today primarily focus on working with private and public landowners to provide technical and financial assistance for conservation, execute lease agreements, and manage publicly owned land.²⁶ Some other activities of SWCDs include:

- Cooperative programs like best management practices projects and Farm Bill programs like the Environmental Quality Incentives Program, the Conservation Security Program, the Agricultural Conservation Easement Program, and Regional Conservation Partnership Programs;

¹¹ See ss. 189.02 (creation of dependent special districts) and 189.031, F.S. (creation of independent special districts).

¹² See s. 189.0311, F.S. (charter requirements for independent special districts).

¹³ See s. 189.019, F.S. (requiring codification of charters incorporating all special acts for the district).

¹⁴ See s. 189.0651, F.S. (oversight for special districts created by special act of the Legislature).

¹⁵ Sections 189.071 and 189.074, F.S.

¹⁶ Sections 189.071 and 189.072, F.S.

¹⁷ See, e.g., s. 190.004, F.S. (Ch. 190, F.S. as "sole authorization" for creation of community development districts).

¹⁸ DEO, Special District Accountability Program, *Official List of Special Districts*, <http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx> (last visited Jan. 17, 2022).

¹⁹ Sections 582.10-582.15, F.S.

²⁰ Section 582.055(3), F.S.

²¹ Section 582.02(4), F.S.

²² DACS, *Soil and Water Conservation District Supervisor Handbook*, 17-20, available at <https://www.fdaacs.gov/content/download/96781/file/florida-soil-and-water-conservation-district-supervisor-handbook.pdf> (last visited Jan. 17, 2022).

²³ See, e.g., ch. 408, F.S.

²⁴ See, e.g., ch. 380, F.S.

²⁵ See, e.g., ch. 373, F.S.

²⁶ DACS, *Soil and Water Conservation District Supervisor Handbook* at 4.

- Conservation projects focusing on water quality improvement, habitat restoration, and administering cost-share funds to help farmers and other landowners implement conservation practices;
- Demonstration projects focusing on irrigation, drainage, tailwater recovery, erosion control, and waste management;
- Educational Workshops on topics like water quality and quantity, pesticide and fertilizer management, watershed engineering, wetlands, soil characteristics, soil tillage techniques, plan identification, invasive plant control, farm ponds, and agricultural production;
- Mobile Irrigation Labs to evaluate agricultural irrigation systems; and
- Planning and rulemaking at the county, regional, state, and federal levels.²⁷

Soil and Water Conservation District Supervisors

Supervisors are members of the governing bodies of SWCDs.²⁸ An SWCD supervisor election is held every two years at the same time as the general election.²⁹ In the case of a newly created SWCD participating in a regular election for the first time, three groups of candidates are elected for terms of four years, and two groups are elected for initial terms of two years.³⁰

III. Effect of Proposed Changes:

Section 1 amends s. 582.15, F.S., to provide that new soil and water conservation districts (SWCDs) must be subdivided into five numbered subdivisions that match, as practicable, the boundaries of either the five county commission districts or five school board districts within the county. If neither the county commission nor the school board is subdivided into five districts, the Department of Agriculture and Consumer Services (DACS) shall subdivide the district into five numbered subdivisions as nearly equal in area as practicable to ensure geographical representation within the SWCD's governing body.

Section 2 amends s. 582.18, F.S., to allow one SWCD supervisor to be elected from each of the five numbered subdivisions created by DACS. The bill provides that, in the case of the first regular election for a new SWCD, candidates shall be elected from district subdivisions 1, 3, and 5 for terms of four years and candidates shall be elected from district subdivisions 2 and 4 for initial terms of 2 years.

Section 3 amends s. 582.19, F.S., to require SWCD supervisors to be eligible voters who reside within the numbered subdivision from which they are elected and to be actively engaged in the business of farming or animal husbandry.

Section 4 provides that the term of office of a supervisor serving on an SWCD governing body at the time the amended bill becomes a law expires on January 10, 2023. The bill provides that by January 1, 2023, a district in existence on July 1, 2022, which was not subdivided in its initial creation, must be subdivided into five numbered subdivisions that match, as practicable, the boundaries of either the five county commission districts or five school board districts in the

²⁷ *Id.* at 5.

²⁸ Section 582.01, F.S.

²⁹ Section 582.18, F.S.

³⁰ *Id.*

county. If neither the county commission nor the school board is subdivided into five districts, DACS shall subdivide the district into five numbered subdivisions as nearly equal in area as practicable.

The bill adds that the following procedures apply to the election of supervisors of SWCDs subdivided by DACS pursuant to the above paragraph:

- SWCD governing body seats 1, 3, and 5, which have terms that initially expired in January 2025 or 2027, as applicable, shall represent district subdivisions 1, 3, and 5, respectively. Such seats shall be filled for a four-year term.
- SWCD governing body seats 2 and 4, which have terms that initially expired in January 2025 or 2027, as applicable, shall represent district subdivisions 2 and 4, respectively. Such seats shall be filled for a two-year term to achieve staggered terms; thereafter the seats shall be filled for four-year terms.

Section 5 provides that the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 582.15, 582.18, and 582.19 of the Florida Statutes.

IX. Additional Information:

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

CS by Environment and Natural Resources on January 24, 2022:

- Provides that new soil and water conservation districts (SWCD) must be subdivided into five numbered subdivisions that match, as practicable, the boundaries of either the five county commission districts or five school board districts within the county. If neither the county commission nor the school board is subdivided into five districts, the Department of Agriculture and Consumer Services shall subdivide the SWCD into five numbered subdivisions as nearly equal in area as practicable to ensure geographical representation within the SWCD's governing body.
- Allows one SWCD supervisor to be elected from each of the five numbered subdivisions.
- Provides for staggered terms for SWCD supervisors.
- Requires SWCD supervisors to be eligible voters who reside within the numbered subdivision from which they are elected and to be actively engaged in the business of farming or animal husbandry.
- Provides that the term of a supervisor serving on an SWCD governing body at the time the amended bill becomes a law expires on January 10, 2023.
- Provides that by January 1, 2023, an SWCD in existence on July 1, 2022, which was not subdivided in its initial creation, must be subdivided into five numbered subdivisions in the manner previously stated and provides for staggered terms of the SWCD supervisors.

B. Amendments:

None.



586774

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2022	.	
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The Committee on Environment and Natural Resources (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) is added to section 582.15,
Florida Statutes, to read:

582.15 Organization of district, etc.—

(4) After the Department of Agriculture and Consumer
Services has determined that operation of a proposed district is
administratively practicable and feasible, the district shall be



11 subdivided into five numbered subdivisions that match, as
12 practicable, the boundaries of either the five county commission
13 districts or five school board districts within the county. When
14 neither the county commission nor the school board is subdivided
15 into five districts, the department shall subdivide the district
16 into five numbered subdivisions as nearly equal in area as
17 practicable to ensure geographical representation within that
18 soil and water conservation district's governing body.

19 Section 2. Subsection (1) of section 582.18, Florida
20 Statutes, is amended to read:

21 582.18 Election of supervisors of each district.-

22 (1) The election of supervisors for each soil and water
23 conservation district shall be held every 2 years, with one
24 supervisor elected from each of the five numbered subdivisions
25 created by the department pursuant to s. 582.15(4). The
26 elections shall be held at the time of the general election
27 provided for by s. 100.041. The office of the supervisor of a
28 soil and water conservation district is a nonpartisan office,
29 and candidates for such office are prohibited from campaigning
30 or qualifying for election based on party affiliation.

31 (a) Each candidate for supervisor for such district must
32 ~~shall~~ qualify as directed by chapter 99.

33 (b) Each nominee who collects or expends campaign
34 contributions shall conduct her or his campaign for supervisor
35 of a soil and water conservation district in accordance with the
36 provisions of chapter 106. Candidates who neither receive
37 contributions nor make expenditures, other than expenditures for
38 verification of signatures on petitions, are exempt from the
39 provisions of chapter 106 requiring establishment of bank



586774

40 accounts and appointment of a campaign treasurer, but shall file
41 periodic reports as required by s. 106.07.

42 (c) The names of all nominees on behalf of whom such
43 nominating petitions have been filed shall appear upon ballots
44 in accordance with the general election laws. All qualified
45 electors residing within the district shall be eligible to vote
46 in such election. The candidates who receive the largest number
47 of the votes cast from each group of candidates in such election
48 shall be the elected supervisors from such group for such
49 district. In the case of a newly created district participating
50 in a regular election for the first time, ~~three groups of~~
51 candidates shall be elected from district subdivisions 1, 3, and
52 5 for terms of 4 years, and candidates ~~two groups~~ shall be
53 elected from district subdivisions 2 and 4 for initial terms of
54 2 years. Each candidate elected shall assume office on the first
55 Tuesday after the first Monday in January following the
56 election.

57 Section 3. Subsection (1) of section 582.19, Florida
58 Statutes, is amended to read:

59 582.19 Qualifications and tenure of supervisors.—

60 (1) The governing body of the district shall consist of
61 five supervisors, elected as provided in s. 582.18 hereinabove.
62 To qualify to serve on the governing body of a district, a
63 supervisor must be an eligible voter who lives and owns land
64 within the numbered subdivision from which she or he is elected
65 and must be actively engaged in the business of farming or
66 animal husbandry.

67 Section 4. (1) The term of office of a supervisor serving
68 on a soil and water conservation district's governing body at



586774

69 the time of this act becoming a law expires on January 10, 2023.

70 (2) By January 1, 2023, a district in existence on July 1,
71 2022, which was not subdivided in its initial creation pursuant
72 to chapter 582, Florida Statutes, must be subdivided into five
73 numbered subdivisions that match, as practicable, the boundaries
74 of either the five county commission districts or five school
75 board districts in the county. When neither the county
76 commission nor the school board is subdivided into five
77 districts, the Department of Agriculture and Consumer Services
78 shall subdivide the district into five numbered subdivisions as
79 nearly equal in area as practicable to ensure geographical
80 representation within that soil and water conservation
81 district's governing body.

82 (3) The following procedures apply to the election of
83 supervisors of soil and water conservation districts subdivided
84 by the department pursuant to subsection (2):

85 (a) District governing body seats 1, 3, and 5, which have
86 terms that initially expired in January 2025 or 2027, as
87 applicable depending on the year in which the district was
88 formed, shall represent district subdivisions 1, 3, and 5,
89 respectively. Such seats shall be filled for a term of 4 years.

90 (b) District governing body seats 2 and 4, which have terms
91 that initially expired in January 2025 or 2027, as applicable
92 depending on the year in which the district was formed, shall
93 represent district subdivisions 2 and 4, respectively. Such
94 seats shall initially be filled for a term of 2 years in order
95 to achieve staggered terms; thereafter, any such seats shall be
96 filled for a term of 4 years as provided under s. 582.19,
97 Florida Statutes.



586774

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

99

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

101 And the title is amended as follows:

102 Delete everything before the enacting clause
103 and insert:

104 A bill to be entitled

105 An act relating to soil and water conservation
106 districts; amending s. 582.15, F.S.; providing for the
107 subdivision of certain proposed soil and water
108 conservation districts; requiring the Department of
109 Agriculture and Consumer Services to subdivide certain
110 proposed soil and water conservation districts;
111 amending s. 582.18, F.S.; requiring the supervisors of
112 each soil and water conservation district to be
113 elected from each of the district's subdivisions;
114 providing for the initial terms of office of
115 candidates elected in each district subdivision;
116 amending s. 582.19, F.S.; providing qualification
117 requirements for supervisors to serve on the governing
118 body of a soil and water conservation district;
119 providing for the expiration of the terms of office of
120 certain supervisors serving on soil and water
121 conservation district governing bodies; providing for
122 the subdivision of certain soil and water conservation
123 districts by a specified date; requiring the
124 department to subdivide certain soil and water
125 conservation districts by a specified date; providing
126 transitional provisions regarding the implementation



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of newly subdivided districts and the election of
supervisors; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2022	.	
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The Committee on Environment and Natural Resources (Hutson)
recommended the following:

- 1 **Senate Amendment to Amendment (586774)**
- 2
- 3 Delete line 63
- 4 and insert:
- 5 supervisor must be an eligible voter who resides

By Senator Hutson

7-00576A-22

20221078__

1 A bill to be entitled
2 An act relating to soil and water conservation
3 districts; repealing ch. 582, F.S., relating to soil
4 and water conservation districts; abolishing all soil
5 and water conservation districts in this state;
6 transferring the assets and liabilities of such
7 districts; amending ss. 120.52, 189.0695, 259.032,
8 259.036, 373.1391, 373.1401, 373.591, 403.067, 570.66,
9 and 570.921, F.S.; conforming provisions to changes
10 made by the act; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Chapter 582, Florida Statutes, consisting of
15 sections 582.01, 582.02, 582.055, 582.06, 582.10, 582.11,
16 582.12, 582.13, 582.14, 582.15, 582.16, 582.18, 582.19, 582.20,
17 582.28, 582.29, 582.30, 582.31, and 582.32, is repealed.

18 Section 2. The following soil and water conservation
19 districts are abolished and all assets and liabilities of each
20 district are transferred to the Northwest Florida Water
21 Management District:

22 (1) Escambia Soil and Water Conservation District.

23 (2) Yellow River Soil and Water Conservation District.

24 (3) Choctawhatchee River Soil and Water Conservation
25 District.

26 (4) Holmes Creek Soil and Water Conservation District.

27 (5) Orange Hill Soil and Water Conservation District.

28 (6) Jackson Soil and Water Conservation District.

29 (7) Chipola River Soil and Water Conservation District.

7-00576A-22

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- (8) Tupelo Soil and Water Conservation District.
- (9) Gadsden Soil and Water Conservation District.
- (10) Franklin Soil and Water Conservation District.
- (11) Leon Soil and Water Conservation District.
- (12) Wakulla Soil and Water Conservation District.
- (13) Jefferson Soil and Water Conservation District.

Section 3. The following soil and water conservation districts are abolished and all assets and liabilities of each district are transferred to the Suwannee River Water Management District:

- (1) Taylor Soil and Water Conservation District.
- (2) Hamilton County Soil and Water Conservation District.
- (3) Suwannee County Conservation District.
- (4) Lafayette Soil and Water Conservation District.
- (5) Dixie Soil and Water Conservation District.
- (6) Santa Fe Soil and Water Conservation District.
- (7) Gilchrist Soil and Water Conservation District.
- (8) Levy Soil and Water Conservation District.
- (9) Bradford Soil and Water Conservation District.
- (10) Alachua Soil and Water Conservation District.

Section 4. The following soil and water conservation districts are abolished and all assets and liabilities of each district are transferred to the St. Johns River Water Management District:

- (1) Nassau Soil and Water Conservation District.
- (2) Baker Soil and Water Conservation District.
- (3) Duval Soil and Water Conservation District.
- (4) Clay Soil and Water Conservation District.
- (5) St. Johns Soil and Water Conservation District.

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- 59 (6) Putnam Soil and Water Conservation District.
- 60 (7) Marion Soil and Water Conservation District.
- 61 (8) Volusia Soil and Water Conservation District.
- 62 (9) Lake Soil and Water Conservation District.
- 63 (10) Seminole Soil and Water Conservation District.
- 64 (11) Orange Soil and Water Conservation District.
- 65 (12) Brevard Soil and Water Conservation District.
- 66 (13) Indian River Soil and Water Conservation District.

67 Section 5. The following soil and water conservation
 68 districts are abolished and all assets and liabilities of each
 69 district are transferred to the Southwest Florida Water
 70 Management District:

- 71 (1) Sumter Soil and Water Conservation District.
- 72 (2) Polk Soil and Water Conservation District.
- 73 (3) Hillsborough Soil and Water Conservation District.
- 74 (4) Manatee River Soil and Water Conservation District.
- 75 (5) Hardee Soil and Water Conservation District.
- 76 (6) Peace River Soil and Water Conservation District.
- 77 (7) Sarasota Soil and Water Conservation District.
- 78 (8) Charlotte Soil and Water Conservation District.

79 Section 6. The following soil and water conservation
 80 districts are abolished and all assets and liabilities of each
 81 district are transferred to the South Florida Water Management
 82 District:

- 83 (1) Osceola Soil and Water Conservation District.
- 84 (2) Okeechobee Soil and Water Conservation District.
- 85 (3) Highlands Soil and Water Conservation District.
- 86 (4) Collier Soil and Water Conservation District.
- 87 (5) St. Lucie Soil and Water Conservation District.

7-00576A-22

20221078__

88 (6) Martin Soil and Water Conservation District.

89 (7) Palm Beach Soil and Water Conservation District.

90 (8) Broward Soil and Water Conservation District.

91 (9) South Dade Soil and Water Conservation District.

92 Section 7. The Blackwater Soil and Water Conservation
93 District is dissolved and the assets and liabilities of the
94 district are transferred to Santa Rosa County.

95 Section 8. The Glades Soil and Water Conservation District
96 is dissolved and the assets and liabilities of the district are
97 transferred to Glades County.

98 Section 9. The Hendry Soil and Water Conservation District
99 is dissolved and the assets and liabilities of the district are
100 transferred to Hendry County.

101 Section 10. The Madison Soil and Water Conservation
102 District is dissolved and the assets and liabilities of the
103 district are transferred to Madison County.

104 Section 11. The Union Soil and Water Conservation District
105 is dissolved and the assets and liabilities of the district are
106 transferred to Union County.

107 Section 12. Paragraph (a) of subsection (1) of section
108 120.52, Florida Statutes, is amended to read:

109 120.52 Definitions.—As used in this act:

110 (1) "Agency" means the following officers or governmental
111 entities if acting pursuant to powers other than those derived
112 from the constitution:

113 (a) The Governor; each state officer and state department,
114 and each departmental unit described in s. 20.04; the Board of
115 Governors of the State University System; the Commission on
116 Ethics; the Fish and Wildlife Conservation Commission; a

7-00576A-22

20221078__

117 regional water supply authority; a regional planning agency; a
118 multicounty special district, but only if a majority of its
119 governing board is comprised of nonelected persons; educational
120 units; and each entity described in chapters 163, 373, and 380~~7~~
121 ~~and 582~~ and s. 186.504.

122
123 This definition does not include a municipality or legal entity
124 created solely by a municipality; a legal entity or agency
125 created in whole or in part pursuant to part II of chapter 361;
126 a metropolitan planning organization created pursuant to s.
127 339.175; a separate legal or administrative entity created
128 pursuant to s. 339.175 of which a metropolitan planning
129 organization is a member; an expressway authority pursuant to
130 chapter 348 or any transportation authority or commission under
131 chapter 343 or chapter 349; or a legal or administrative entity
132 created by an interlocal agreement pursuant to s. 163.01(7),
133 unless any party to such agreement is otherwise an agency as
134 defined in this subsection.

135 Section 13. Subsection (3) of section 189.0695, Florida
136 Statutes, is amended to read:

137 189.0695 Independent special districts; performance
138 reviews.—

139 (3) The Office of Program Policy Analysis and Government
140 Accountability must conduct a performance review of all
141 independent mosquito control ~~special~~ districts ~~within the~~
142 ~~classifications described in paragraphs (a) and (b)~~ and may
143 contract as needed to complete the requirements of this
144 subsection. The Office of Program Policy Analysis and Government
145 Accountability shall submit the final report of the performance

7-00576A-22

20221078__

146 review to the President of the Senate and the Speaker of the
147 House of Representatives ~~as follows:~~

148 ~~(a) For all independent mosquito control districts as~~
149 ~~defined in s. 388.011, no later than September 30, 2023.~~

150 ~~(b) For all soil and water conservation districts as~~
151 ~~defined in s. 582.01, no later than September 30, 2024.~~

152 Section 14. Subsection (5), paragraphs (d) and (e) of
153 subsection (7), and paragraph (b) of subsection (8) of section
154 259.032, Florida Statutes, are amended to read:

155 259.032 Conservation and recreation lands.—

156 (5) The board of trustees may enter into any contract
157 necessary to accomplish the purposes of this section. The lead
158 land managing agencies designated by the board of trustees ~~also~~
159 are directed by the Legislature to enter into contracts or
160 interagency agreements with other governmental entities,
161 ~~including local soil and water conservation districts,~~ or
162 private land managers who have the expertise to perform specific
163 management activities which a lead agency lacks, or which would
164 cost more to provide in-house. Such activities shall include,
165 but not be limited to, controlled burning, road and ditch
166 maintenance, mowing, and wildlife assessments.

167 (7) All lands managed under this chapter and s. 253.034
168 shall be:

169 (d) Concurrent with the approval of the acquisition
170 contract pursuant to s. 253.025(4)(c) for any interest in lands
171 except those lands acquired pursuant to s. 259.1052, the board
172 shall designate an agency or agencies to manage such lands. The
173 board shall evaluate and amend, as appropriate, the management
174 policy statement for the project as provided by s. 259.035 to

7-00576A-22

20221078__

175 ensure that the policy statement is compatible with
176 conservation, recreation, or both. ~~For any fee simple~~
177 ~~acquisition of a parcel which is or will be leased back for~~
178 ~~agricultural purposes, or any acquisition of a less than fee~~
179 ~~interest in land that is or will be used for agricultural~~
180 ~~purposes, the board shall first consider having a soil and water~~
181 ~~conservation district, created pursuant to chapter 582, manage~~
182 ~~and monitor such interests.~~

183 (e) State agencies designated to manage lands acquired
184 under this chapter or with funds deposited into the Land
185 Acquisition Trust Fund, except those lands acquired under s.
186 259.1052, may contract with local governments ~~and soil and water~~
187 ~~conservation districts~~ to assist in management activities,
188 including the responsibility of being the lead land manager.
189 Such land management contracts may include a provision for the
190 transfer of management funding to the local government ~~or soil~~
191 ~~and water conservation district~~ from the land acquisition trust
192 fund of the lead land managing agency in an amount adequate for
193 the local government ~~or soil and water conservation district~~ to
194 perform its contractual land management responsibilities and
195 proportionate to its responsibilities, and which otherwise would
196 have been expended by the state agency to manage the property.

197 (8)

198 (b) Individual management plans required by s. 253.034(5),
199 for parcels over 160 acres, shall be developed with input from
200 an advisory group. Members of this advisory group shall include,
201 at a minimum, representatives of the lead land managing agency,
202 comanaging entities, local private property owners, ~~the~~
203 ~~appropriate soil and water conservation district,~~ a local

7-00576A-22

20221078__

204 conservation organization, and a local elected official. If
205 habitat or potentially restorable habitat for imperiled species
206 is located on state lands, the Fish and Wildlife Conservation
207 Commission and the Department of Agriculture and Consumer
208 Services shall be included on any advisory group required under
209 chapter 253, and the short-term and long-term management goals
210 required under chapter 253 must advance the goals and objectives
211 of imperiled species management without restricting other uses
212 identified in the management plan. The advisory group shall
213 conduct at least one public hearing within the county in which
214 the parcel or project is located. For those parcels or projects
215 that are within more than one county, at least one areawide
216 public hearing shall be acceptable and the lead managing agency
217 shall invite a local elected official from each county. The
218 areawide public hearing shall be held in the county in which the
219 core parcels are located. Notice of such public hearing shall be
220 posted on the parcel or project designated for management,
221 advertised in a paper of general circulation, and announced at a
222 scheduled meeting of the local governing body before the actual
223 public hearing. The management prospectus required pursuant to
224 paragraph (7)(c) shall be available to the public for a period
225 of 30 days before the public hearing.

226
227 By July 1 of each year, each governmental agency and each
228 private entity designated to manage lands shall report to the
229 Secretary of Environmental Protection on the progress of
230 funding, staffing, and resource management of every project for
231 which the agency or entity is responsible.

232 Section 15. Paragraph (a) of subsection (1) of section

7-00576A-22

20221078__

233 259.036, Florida Statutes, is amended to read:

234 259.036 Management review teams.—

235 (1) To determine whether conservation, preservation, and
236 recreation lands titled in the name of the board are being
237 managed for purposes that are compatible with conservation,
238 preservation, or recreation in accordance with a land management
239 plan adopted pursuant to s. 259.032, the board, acting through
240 the department, shall cause periodic management reviews to be
241 conducted as follows:

242 (a) The department shall establish a regional land
243 management review team composed of the following members:

244 1. One individual who is from the county or local community
245 in which the parcel or project is located and who is selected by
246 the county commission in the county which is most impacted by
247 the acquisition.

248 2. One individual from the Division of Recreation and Parks
249 of the department.

250 3. One individual from the Florida Forest Service of the
251 Department of Agriculture and Consumer Services.

252 4. One individual from the Fish and Wildlife Conservation
253 Commission.

254 5. One individual from the department's district office in
255 which the parcel is located.

256 6. A private land manager, preferably from the local
257 community, mutually agreeable to the state agency
258 representatives.

259 7. A member or staff from the jurisdictional water
260 management district ~~or local soil and water conservation~~
261 ~~district board of supervisors.~~

7-00576A-22

20221078__

262 8. A member of a conservation organization.

263 Section 16. Paragraph (d) of subsection (1) of section
264 373.1391, Florida Statutes, is amended to read:

265 373.1391 Management of real property.—

266 (1)

267 ~~(d) For any fee simple acquisition of a parcel which is or~~
268 ~~will be leased back for agricultural purposes, or for any~~
269 ~~acquisition of a less than fee interest in lands that is or will~~
270 ~~be used for agricultural purposes, the district governing board~~
271 ~~shall first consider having a soil and water conservation~~
272 ~~district created pursuant to chapter 582 manage and monitor such~~
273 ~~interest.~~

274 Section 17. Section 373.1401, Florida Statutes, is amended
275 to read:

276 373.1401 Management of lands of water management
277 districts. ~~In addition to provisions contained in s. 373.1391(1)~~
278 ~~for soil and water conservation districts,~~ The governing board
279 of each water management district may contract with a
280 nongovernmental person or entity, any federal or state agency, a
281 county, a municipality, or any other governmental entity, or
282 environmental nonprofit organization to provide for the
283 improvement, management, or maintenance of any real property
284 owned by or under the control of the district.

285 Section 18. Paragraph (d) of subsection (1) of section
286 373.591, Florida Statutes, is amended to read:

287 373.591 Management review teams.—

288 (1) To determine whether conservation, preservation, and
289 recreation lands titled in the names of the water management
290 districts are being managed for the purposes for which they were

7-00576A-22

20221078__

291 acquired and in accordance with land management objectives, the
292 water management districts shall establish land management
293 review teams to conduct periodic management reviews. The land
294 management review teams shall be composed of the following
295 members:

296 ~~(d) A member of the local soil and water conservation~~
297 ~~district board of supervisors.~~

298 Section 19. Subsection (1), paragraph (a) of subsection
299 (3), paragraph (a) of subsection (6), and paragraph (a) of
300 subsection (7) of section 403.067, Florida Statutes, are amended
301 to read:

302 403.067 Establishment and implementation of total maximum
303 daily loads.—

304 (1) LEGISLATIVE FINDINGS AND INTENT.—In furtherance of
305 public policy established in s. 403.021, the Legislature
306 declares that the waters of the state are among its most basic
307 resources and that the development of a total maximum daily load
308 program for state waters as required by s. 303(d) of the Clean
309 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. will
310 promote improvements in water quality throughout the state
311 through the coordinated control of point and nonpoint sources of
312 pollution. The Legislature finds that, while point and nonpoint
313 sources of pollution have been managed through numerous
314 programs, better coordination among these efforts and additional
315 management measures may be needed in order to achieve the
316 restoration of impaired water bodies. The scientifically based
317 total maximum daily load program is necessary to fairly and
318 equitably allocate pollution loads to both nonpoint and point
319 sources. Implementation of the allocation shall include

7-00576A-22

20221078__

320 consideration of a cost-effective approach coordinated between
321 contributing point and nonpoint sources of pollution for
322 impaired water bodies or water body segments and may include the
323 opportunity to implement the allocation through nonregulatory
324 and incentive-based programs. The Legislature further declares
325 that the Department of Environmental Protection shall be the
326 lead agency in administering this program and shall coordinate
327 with local governments, water management districts, the
328 Department of Agriculture and Consumer Services, ~~local soil and~~
329 ~~water conservation districts,~~ environmental groups, regulated
330 interests, other appropriate state agencies, and affected
331 pollution sources in developing and executing the total maximum
332 daily load program.

333 (3) ASSESSMENT.—

334 (a) Based on the priority ranking and schedule for a
335 particular listed water body or water body segment, the
336 department shall conduct a total maximum daily load assessment
337 of the basin in which the water body or water body segment is
338 located using the methodology developed pursuant to paragraph
339 (b). In conducting this assessment, the department shall
340 coordinate with the local water management district, the
341 Department of Agriculture and Consumer Services, other
342 appropriate state agencies, ~~soil and water conservation~~
343 ~~districts,~~ environmental groups, regulated interests, and other
344 interested parties.

345 (6) CALCULATION AND ALLOCATION.—

346 (a) Calculation of total maximum daily load.

347 1. Prior to developing a total maximum daily load
348 calculation for each water body or water body segment on the

7-00576A-22

20221078__

349 list specified in subsection (4), the department shall
350 coordinate with applicable local governments, water management
351 districts, the Department of Agriculture and Consumer Services,
352 other appropriate state agencies, ~~local soil and water~~
353 ~~conservation districts~~, environmental groups, regulated
354 interests, and affected pollution sources to determine the
355 information required, accepted methods of data collection and
356 analysis, and quality control/quality assurance requirements.
357 The analysis may include mathematical water quality modeling
358 using approved procedures and methods.

359 2. The department shall develop total maximum daily load
360 calculations for each water body or water body segment on the
361 list described in subsection (4) according to the priority
362 ranking and schedule unless the impairment of such waters is due
363 solely to activities other than point and nonpoint sources of
364 pollution. For waters determined to be impaired due solely to
365 factors other than point and nonpoint sources of pollution, no
366 total maximum daily load will be required. A total maximum daily
367 load may be required for those waters that are impaired
368 predominantly due to activities other than point and nonpoint
369 sources. The total maximum daily load calculation shall
370 establish the amount of a pollutant that a water body or water
371 body segment may receive from all sources without exceeding
372 water quality standards, and shall account for seasonal
373 variations and include a margin of safety that takes into
374 account any lack of knowledge concerning the relationship
375 between effluent limitations and water quality. The total
376 maximum daily load may be based on a pollutant load reduction
377 goal developed by a water management district, provided that

7-00576A-22

20221078__

378 such pollutant load reduction goal is promulgated by the
379 department in accordance with the procedural and substantive
380 requirements of this subsection.

381 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
382 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

383 (a) *Basin management action plans.*—

384 1. In developing and implementing the total maximum daily
385 load for a water body, the department, or the department in
386 conjunction with a water management district, may develop a
387 basin management action plan that addresses some or all of the
388 watersheds and basins tributary to the water body. Such plan
389 must integrate the appropriate management strategies available
390 to the state through existing water quality protection programs
391 to achieve the total maximum daily loads and may provide for
392 phased implementation of these management strategies to promote
393 timely, cost-effective actions as provided for in s. 403.151.
394 The plan must establish a schedule implementing the management
395 strategies, establish a basis for evaluating the plan's
396 effectiveness, and identify feasible funding strategies for
397 implementing the plan's management strategies. The management
398 strategies may include regional treatment systems or other
399 public works, when appropriate, and voluntary trading of water
400 quality credits to achieve the needed pollutant load reductions.

401 2. A basin management action plan must equitably allocate,
402 pursuant to paragraph (6) (b), pollutant reductions to individual
403 basins, as a whole to all basins, or to each identified point
404 source or category of nonpoint sources, as appropriate. For
405 nonpoint sources for which best management practices have been
406 adopted, the initial requirement specified by the plan must be

7-00576A-22

20221078__

407 those practices developed pursuant to paragraph (c). When
408 appropriate, the plan may take into account the benefits of
409 pollutant load reduction achieved by point or nonpoint sources
410 that have implemented management strategies to reduce pollutant
411 loads, including best management practices, before the
412 development of the basin management action plan. The plan must
413 also identify the mechanisms that will address potential future
414 increases in pollutant loading.

415 3. The basin management action planning process is intended
416 to involve the broadest possible range of interested parties,
417 with the objective of encouraging the greatest amount of
418 cooperation and consensus possible. In developing a basin
419 management action plan, the department shall assure that key
420 stakeholders, including, but not limited to, applicable local
421 governments, water management districts, the Department of
422 Agriculture and Consumer Services, other appropriate state
423 agencies, ~~local soil and water conservation districts,~~
424 environmental groups, regulated interests, and affected
425 pollution sources, are invited to participate in the process.
426 The department shall hold at least one public meeting in the
427 vicinity of the watershed or basin to discuss and receive
428 comments during the planning process and shall otherwise
429 encourage public participation to the greatest practicable
430 extent. Notice of the public meeting must be published in a
431 newspaper of general circulation in each county in which the
432 watershed or basin lies at least 5 days, but not more than 15
433 days, before the public meeting. A basin management action plan
434 does not supplant or otherwise alter any assessment made under
435 subsection (3) or subsection (4) or any calculation or initial

7-00576A-22

20221078__

436 allocation.

437 4. Each new or revised basin management action plan shall
438 include:

439 a. The appropriate management strategies available through
440 existing water quality protection programs to achieve total
441 maximum daily loads, which may provide for phased implementation
442 to promote timely, cost-effective actions as provided for in s.
443 403.151;

444 b. A description of best management practices adopted by
445 rule;

446 c. A list of projects in priority ranking with a planning-
447 level cost estimate and estimated date of completion for each
448 listed project;

449 d. The source and amount of financial assistance to be made
450 available by the department, a water management district, or
451 other entity for each listed project, if applicable; and

452 e. A planning-level estimate of each listed project's
453 expected load reduction, if applicable.

454 5. The department shall adopt all or any part of a basin
455 management action plan and any amendment to such plan by
456 secretarial order pursuant to chapter 120 to implement this
457 section.

458 6. The basin management action plan must include milestones
459 for implementation and water quality improvement, and an
460 associated water quality monitoring component sufficient to
461 evaluate whether reasonable progress in pollutant load
462 reductions is being achieved over time. An assessment of
463 progress toward these milestones shall be conducted every 5
464 years, and revisions to the plan shall be made as appropriate.

7-00576A-22

20221078__

465 Revisions to the basin management action plan shall be made by
466 the department in cooperation with basin stakeholders. Revisions
467 to the management strategies required for nonpoint sources must
468 follow the procedures in subparagraph (c)4. Revised basin
469 management action plans must be adopted pursuant to subparagraph
470 5.

471 7. In accordance with procedures adopted by rule under
472 paragraph (9)(c), basin management action plans, and other
473 pollution control programs under local, state, or federal
474 authority as provided in subsection (4), may allow point or
475 nonpoint sources that will achieve greater pollutant reductions
476 than required by an adopted total maximum daily load or
477 wasteload allocation to generate, register, and trade water
478 quality credits for the excess reductions to enable other
479 sources to achieve their allocation; however, the generation of
480 water quality credits does not remove the obligation of a source
481 or activity to meet applicable technology requirements or
482 adopted best management practices. Such plans must allow trading
483 between NPDES permittees, and trading that may or may not
484 involve NPDES permittees, where the generation or use of the
485 credits involve an entity or activity not subject to department
486 water discharge permits whose owner voluntarily elects to obtain
487 department authorization for the generation and sale of credits.

488 8. The department's rule relating to the equitable
489 abatement of pollutants into surface waters do not apply to
490 water bodies or water body segments for which a basin management
491 plan that takes into account future new or expanded activities
492 or discharges has been adopted under this section.

493 9. In order to promote resilient wastewater utilities, if

7-00576A-22

20221078__

494 the department identifies domestic wastewater treatment
495 facilities or onsite sewage treatment and disposal systems as
496 contributors of at least 20 percent of point source or nonpoint
497 source nutrient pollution or if the department determines
498 remediation is necessary to achieve the total maximum daily
499 load, a basin management action plan for a nutrient total
500 maximum daily load must include the following:

501 a. A wastewater treatment plan developed by each local
502 government, in cooperation with the department, the water
503 management district, and the public and private domestic
504 wastewater treatment facilities within the jurisdiction of the
505 local government, that addresses domestic wastewater. The
506 wastewater treatment plan must:

507 (I) Provide for construction, expansion, or upgrades
508 necessary to achieve the total maximum daily load requirements
509 applicable to the domestic wastewater treatment facility.

510 (II) Include the permitted capacity in average annual
511 gallons per day for the domestic wastewater treatment facility;
512 the average nutrient concentration and the estimated average
513 nutrient load of the domestic wastewater; a projected timeline
514 of the dates by which the construction of any facility
515 improvements will begin and be completed and the date by which
516 operations of the improved facility will begin; the estimated
517 cost of the improvements; and the identity of responsible
518 parties.

519
520 The wastewater treatment plan must be adopted as part of the
521 basin management action plan no later than July 1, 2025. A local
522 government that does not have a domestic wastewater treatment

7-00576A-22

20221078__

523 facility in its jurisdiction is not required to develop a
524 wastewater treatment plan unless there is a demonstrated need to
525 establish a domestic wastewater treatment facility within its
526 jurisdiction to improve water quality necessary to achieve a
527 total maximum daily load. A local government is not responsible
528 for a private domestic wastewater facility's compliance with a
529 basin management action plan unless such facility is operated
530 through a public-private partnership to which the local
531 government is a party.

532 b. An onsite sewage treatment and disposal system
533 remediation plan developed by each local government in
534 cooperation with the department, the Department of Health, water
535 management districts, and public and private domestic wastewater
536 treatment facilities.

537 (I) The onsite sewage treatment and disposal system
538 remediation plan must identify cost-effective and financially
539 feasible projects necessary to achieve the nutrient load
540 reductions required for onsite sewage treatment and disposal
541 systems. To identify cost-effective and financially feasible
542 projects for remediation of onsite sewage treatment and disposal
543 systems, the local government shall:

544 (A) Include an inventory of onsite sewage treatment and
545 disposal systems based on the best information available;

546 (B) Identify onsite sewage treatment and disposal systems
547 that would be eliminated through connection to existing or
548 future central domestic wastewater infrastructure in the
549 jurisdiction or domestic wastewater service area of the local
550 government, that would be replaced with or upgraded to enhanced
551 nutrient-reducing onsite sewage treatment and disposal systems,

7-00576A-22

20221078__

552 or that would remain on conventional onsite sewage treatment and
553 disposal systems;

554 (C) Estimate the costs of potential onsite sewage treatment
555 and disposal system connections, upgrades, or replacements; and

556 (D) Identify deadlines and interim milestones for the
557 planning, design, and construction of projects.

558 (II) The department shall adopt the onsite sewage treatment
559 and disposal system remediation plan as part of the basin
560 management action plan no later than July 1, 2025, or as
561 required for Outstanding Florida Springs under s. 373.807.

562 10. When identifying wastewater projects in a basin
563 management action plan, the department may not require the
564 higher cost option if it achieves the same nutrient load
565 reduction as a lower cost option. A regulated entity may choose
566 a different cost option if it complies with the pollutant
567 reduction requirements of an adopted total maximum daily load
568 and meets or exceeds the pollution reduction requirement of the
569 original project.

570 Section 20. Section 570.66, Florida Statutes, is amended to
571 read:

572 570.66 Department of Agriculture and Consumer Services;
573 water policy.—The commissioner may create an Office of
574 Agricultural Water Policy under the supervision of a senior
575 manager exempt under s. 110.205 in the Senior Management
576 Service. The commissioner may designate the bureaus and
577 positions in the various organizational divisions of the
578 department that report to the office relating to any matter over
579 which the department has jurisdiction in matters relating to
580 water policy affecting agriculture, application of such

7-00576A-22

20221078__

581 policies, and coordination of such matters with state and
582 federal agencies. ~~The office shall enforce and implement the~~
583 ~~provisions of chapter 582 and rules relating to soil and water~~
584 ~~conservation.~~

585 Section 21. Subsection (3) of section 570.921, Florida
586 Statutes, is amended to read:

587 570.921 Environmental Stewardship Certification Program.—
588 The department may establish the Environmental Stewardship
589 Certification Program consistent with this section.

590 ~~(3) The Soil and Water Conservation Council created by s.~~
591 ~~582.06 may develop and recommend to the department for adoption~~
592 ~~additional criteria for receipt of an agricultural certification~~
593 ~~which may include, but not be limited to:~~

594 ~~(a) Comprehensive management of all on-farm resources.~~

595 ~~(b) Promotion of environmental awareness and responsible~~
596 ~~resource stewardship in agricultural or urban communities.~~

597 ~~(c) Completion of a curriculum of study that is related to~~
598 ~~environmental issues and regulation.~~

599 Section 22. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1110

INTRODUCER: Senator Rouson

SUBJECT: Grease Waste Removal and Disposal

DATE: January 21, 2022

REVISED: _____

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

I. Summary:

SB 1110 creates regulations for grease waste removal and disposal. The bill defines the terms disposal facility, graywater, grease waste, hauler, originator, and service manifest. The bill provides requirements for what a service manifest must contain and which entity must sign it and when.

The bill requires haulers to dispose of grease waste at a disposal facility and prevents them from returning grease waste or graywater to a grease interceptor or trap. The bill provides for compliance inspections. The bill also contains penalties for failure to provide or retain a service manifest, failure to clean a grease interceptor or grease trap, and unlawful disposal of grease. The bill directs fines to the Water Quality Assurance Trust Fund.

The bill requires the Department of Environmental Protection to adopt rules to implement the new regulations in the bill, which must provide for a local government to receive reports of violations and to collect fines and impose license actions. The bill does not prohibit a local government from adopting or enforcing an ordinance or rule to regulate the removal and disposal of grease waste which is more strict or extensive than what the bill provides.

II. Present Situation:

Fats, Oils, and Grease

Fats, oils, and grease (FOG) are usually found in kitchens as ingredients or byproducts of cooking.¹ Examples include cooking oil; butter, margarine, or shortening; salad dressing; gravy; bacon and sausage grease; mayonnaise; peanut butter; and dairy products like milk, yogurt,

¹ Clemson Cooperative Extension, *F.O.G. (Fats, Oils, and Grease) Pollution*, <https://hgic.clemson.edu/factsheet/f-o-g-fats-oils-and-grease-pollution/> (last visited Jan. 10, 2022).

cream, sour cream, and ice cream. Improper FOG disposal, usually down kitchen sinks, can cause environmental damage. In a sewer system, FOG can solidify and accumulate around the insides of underground sewer pipes, which can lead to blockages, backups, pipe bursts, and overflows.² When that happens, raw sewage carrying bacteria, excess nutrients, and disease-causing pathogens can enter waterbodies. Septic systems have similar problems, with FOG accumulating in septic tanks and lines and eventually causing blockages, backups, and overflows. Failing septic systems release raw sewage, which can be carried to nearby waterbodies by stormwater.³ Sewage disposal facilities are responsible for taking steps to prevent sanitary sewer overflows or underground pipe leaks, and for ensuring that collected wastewater reaches the facility for appropriate treatment.⁴ Some local governments have regulated grease disposal to protect local sewer systems.⁵

Grease Traps and Interceptors

Facilities that prepare and serve food must install grease removal devices in accordance with the Florida Building Code.⁶ Grease removal devices include grease traps and grease interceptors.⁷ A grease trap is a concrete or metal tank, usually located indoor or under a sink, that receives wastewater from kitchen pipes.⁸ FOG in the grease trap separates from the water and floats to the surface of the tank, thereby reducing the concentration of grease in the wastewater.⁹

A grease interceptor has more storage capability than a grease trap and is located underground outside of the regulated establishment.¹⁰ Wastewater from fixtures and floor drains in a kitchen flows into a grease interceptor where FOG separate from wastewater. The wastewater continues to flow from the interceptor to a wastewater treatment facility.

Current Regulation

To clean a grease interceptor, a service person must obtain an annual written permit from the Department of Environmental Protection (DEP) for the county in which the service company is located.¹¹ These permits authorize the disposal service to handle liquid waste associated with food operations and apply to all food establishment sludge which is collected for disposal from

² Department of Environmental Protection, *Recommendations for Regulating Fat, Oil, and Grease Processing and Biofuel Production Facilities in Florida* (Mar. 15, 2013) available at

https://floridadep.gov/sites/default/files/Guidance_FOG_Biofuel_15Mar13.pdf (last visited Jan. 21, 2022).

³ *Id.*

⁴ Section 403.086(7), F.S.

⁵ See, e.g., Alachua Ord. No. 38-140 (wastewater rates and charges), Cape Coral Ord. No. 19-8.2 (restricted use of the public sewers), Daytona Beach Ord. No. 7-7.2 (public sanitary sewer system pretreatment), and Tallahassee Ord. No. 21-493 (disposal of other special waste).

⁶ 2020 Florida Building Code, Chapter 10, Section 1003.3.1, available at

<https://codes.iccsafe.org/content/FLPC2020P1/chapter-10-traps-interceptors-and-separators> (last visited Jan. 20, 2022).

Sarasota County Public Utilities, *Fats, Oils, and Grease: Best Management Practices Guide*, 4, available at

<https://www.scgov.net/home/showpublisheddocument/51221/637582391435000000> (last visited Jan. 20, 2022);

⁷ Sarasota County Public Utilities, *Fats, Oils, and Grease: Best Management Practices Guide* at 4.

⁸ *Id.*; Miami-Dade County, *FOG – Fats, Oils, and Grease*, 1, available at

<https://www.miamidade.gov/environment/library/flyers/fats-oils-grease-fact-sheet.pdf> (last visited Jan. 20, 2022).

⁹ *Id.*

¹⁰ *Id.*

¹¹ Fla. Admin. Code R. 62-6.010(1).

onsite sewage treatment and disposal systems.¹² Food establishment sludge is defined as oils, fats, greases, food scraps and other grease interceptor contents generated by a food operation or institutional food preparation facility that uses an onsite sewage treatment and disposal system.¹³ An onsite sewage treatment and disposal system is defined in part as a sewage system that contains a grease interceptor.¹⁴

Prior to issuance of the permit, the applicant must provide evidence of certain adequate equipment, including a tank truck with a liquid capacity of at least 1,500 gallons, pumps, off-truck stabilization tanks, and pH testing equipment.¹⁵ Untreated food establishment sludges must be transported to an approved treatment facility without leakage, spillage, or creation of a sanitary nuisance.¹⁶

Any food establishment sludge collected from onsite sewage treatment and disposal systems must be disposed of at a DEP-approved site and by a DEP-approved method.¹⁷ Food establishment sludge haulers who have collected the sludge from onsite sewage treatment and disposal systems are required to maintain a collection and hauling log at the treatment site or at the main business location, which must be retained for five years and must include:

- Date of collection,
- Address of collection,
- Whether the point of collection is a residence or business (and what type of business),
- Estimated volume of waste transported,
- Receipts for lime or other materials used for treatment,
- Location of the approved treatment facility,
- Date and time of discharge to the treatment facility, and
- Acknowledgement from treatment facility of receipt of waste.¹⁸

Current Regulation of Solid Waste

Solid waste is defined in statute as sludge unregulated under the federal Clean Water Act or Clean Air Act; sludge from a waste treatment works, water supply treatment plant, or air pollution control facility; or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.¹⁹ Sludge is the accumulated solids, residues, and precipitates generated as a result of waste treatment or processing, including wastewater treatment or water supply treatment, and mixed liquids and solids pumped in part from septic tanks, grease traps, or similar waste disposal appurtenances.²⁰

¹² *Id.*

¹³ Fla. Admin. Code R. 62-6.002(27).

¹⁴ Section 381.0065(2)(l), F.S.

¹⁵ Fla. Admin. Code R. 62-6.010(2)(a).

¹⁶ Fla. Admin. Code R. 62-6.010(5).

¹⁷ Fla. Admin. Code R. 62-6.010(7).

¹⁸ Fla. Admin. Code R. 62-6.010(7)(e).

¹⁹ Section 403.703(35), F.S.

²⁰ Section 403.703(34), F.S.

The state's solid waste management program is required to include at a minimum:

- Procedures and requirements to ensure cooperative efforts in solid waste management by counties and municipalities;
- Provisions for the continuation of existing effective regional resources recovery, recycling, and solid waste management facilities and programs;
- Planning guidelines and technical assistance to counties and municipalities to aid in establishing recycling programs and meeting municipal recycling goals;
- Technical assistance to counties and municipalities in determining the full cost of solid waste management;
- Planning guidelines and technical assistance to counties and municipalities to develop and implement programs for alternative disposal or processing or recycling of certain types of solid wastes; and
- A public education program.²¹

It is a violation of the Florida Air and Water Pollution Control Act (Act), which includes solid waste disposal regulations, for any person:

- To cause pollution, except as otherwise provided in the Act, so as to harm or injure human health or welfare, animal, plant, or aquatic life or property;
- To fail to obtain a permit required by the Act or by rule or regulation, or to violate or fail to comply with any rule, regulation, order, permit, or certification adopted or issued by DEP;
- To knowingly make any false representation or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act, or to falsify or tamper with any monitoring device or method.²²

Violations of the Act are as follows:

- A person who commits a violation is liable to the state for any damage caused and for civil penalties;
- A person who willfully causes pollution so as to harm or injure human health or welfare, animal, plant, or aquatic life or property commits a felony of the third degree, punishable by a fine of no more than \$50,000 or by imprisonment for five years, or both;
- A person who causes pollution so as to harm or injure human health or welfare, animal, plant, or aquatic life or property, or who fails to obtain any permit or comply with any rule, regulation, order, permit, or certification, due to reckless indifference or gross careless disregard commits a misdemeanor of the second degree, punishable by a fine of no more than \$10,000 or by 60 days in jail, or both;
- A person who willfully fails to obtain any permit or comply with any rule, regulation, order, permit, or certification, or knowingly makes a false representation or certification commits a misdemeanor of the first degree, punishable by a fine of no more than \$10,000 or by six months in jail, or both.²³

²¹ Section 403.705(2), F.S.

²² Section 403.161, F.S.

²³ *Id.*

The civil penalties and criminal fines imposed by a court must be of such amount as to ensure immediate and continued compliance with the section.²⁴

The administrative penalties for solid waste violations include a penalty of \$3,000 for the unpermitted or unauthorized disposal or storage of solid waste; plus \$1,000 if the solid waste is Class I;²⁵ plus \$1,500 if the waste is disposed of or stored in any natural or artificial body of water or within 500 feet of a potable water well; plus \$1,500 if the waste contains more than 25 gallons of used oil.²⁶ DEP shall assess a penalty of \$4,500 for failure to properly maintain leachate control; unauthorized burning; failure to have a trained spotter on duty at the working face when accepting waste; or failure to provide access control for three consecutive inspections.²⁷

Current Regulation of Used Oil

Used oil is defined in statute as any oil that is refined from crude or synthetic oil and, as a result of use, storage, or handling, has become contaminated and unsuitable for its original purpose.²⁸

Certain actions are prohibited with respect to used oil, including:

- No person may collect, transport, store, recycle, use or dispose of used oil in a manner that endangers the public health or welfare;
- No person may discharge used oil into sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters;
- No person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills unless approved by DEP;
- No person may mix or commingle used oil with hazardous substances that make it unsuitable for recycling or beneficial use; and
- Used oil cannot be used for road oiling, dust control, weed abatement, or other similar uses that may release oil into the environment.²⁹

Oil transporters and transfer facilities, used oil processors and re-refiners, and used oil burners and fuel marketers are all required to register annually with DEP pursuant to the agency's rules.³⁰ Each registered person who transports, processes, burns, or recycles used oil shall maintain records which identify:

- The source of the materials transported or recycled;
- The quantity of material received;
- The date of receipt; and
- The destination or end use of the materials.³¹

²⁴ *Id.*

²⁵ Class I waste is solid waste that is not hazardous waste, and that is not prohibited from disposal in a lined landfill. Fla. Admin. Code R. 62-701.200.

²⁶ Section 403.121(3)(e), F.S.

²⁷ *Id.*

²⁸ Section 403.75(7), F.S.

²⁹ Section 403.751, F.S.

³⁰ Section 403.754(1), F.S.

³¹ Section 403.754(6), F.S.

Used oil transporters must also have certification to transport more than 500 gallons annually over public highways.³² DEP developed this certification program and is responsible for issuing, denying, or revoking certifications.³³

Current Federal Regulation

The National Pretreatment Program (Program) implements Clean Water Act requirements to pretreat pollutants that are introduced into publicly owned treatment works (POTWs).³⁴ POTWs collect wastewater from homes, commercial buildings, and industrial facilities and transport it to treatment plants.³⁵ The Program aims in part to prevent excess loadings of oil and grease, which have caused violations or operational problems at POTWs.³⁶ The Program's general pretreatment regulations establish responsibilities among federal, state, and local government; industry; and the public, although responsibility rests mainly on local municipalities.³⁷ The regulations apply to all nondomestic sources that introduce pollutants into a POTW.³⁸

Water Quality Assurance Trust Fund

The Water Quality Assurance Trust Fund is a broad-based fund for use in responding to incidents of contamination that pose a serious danger to the quality of groundwater and surface water resources or otherwise pose a serious danger to the public health, safety, or welfare.³⁹

Moneys in the fund may be used:

- For assessment, cleanup, restoration, monitoring, and maintenance of any site involving spills, discharges, or escapes of pollutants or hazardous substances which occur as a result of procedures taken by private and governmental entities involving the storage, transportation, and disposal of such products;
- For assessment, cleanup, restoration, monitoring, and maintenance of sites involving dry-cleaning products;
- For activities to expeditiously restore or replace potable water supplies;
- For response actions under the Comprehensive Environmental Response, Compensation, and Liability Act; and
- To restore or replace contaminated private potable water wells or water systems.⁴⁰

III. Effect of Proposed Changes:

Section 1 creates s. 403.742, F.S., to regulate grease waste removal and disposal. The bill defines six terms:

³² Section 403.767, F.S.

³³ *Id.*; Fla. Admin. Code R. 62.710.600.

³⁴ U.S. Environmental Protection Agency, *Introduction to the National Pretreatment Program*, 1-1 (June 2011), available at https://www.epa.gov/sites/default/files/2015-10/documents/pretreatment_program_intro_2011.pdf (last visited Jan. 21, 2022).

³⁵ *Id.*

³⁶ *Id.* at 1-4.

³⁷ *Id.* at 2-2, 2-4.

³⁸ *Id.* at 2-2.

³⁹ Section 376.307(1), F.S.

⁴⁰ *Id.*

- “Disposal facility” means a permitted or certified waste management facility that is authorized to receive grease waste;
- “Graywater” means kitchen sink wastewater;
- “Grease waste” means liquid or solid material composed primarily of fatty substances, oils, and grease from animal or vegetable sources which is retained in a grease interceptor or grease trap;
- “Hauler” means a person who removes and disposes of grease waste;
- “Originator” means a food service establishment that processes, prepares, or serves food or beverages for consumption by the public, including restaurants, commercial kitchens, cafeterias, hotels, school kitchens, hospitals, prisons, correctional facilities, and care institutions; and
- “Service manifest” means an electronic or hard copy recordkeeping system used for the collection and disposal of grease waste.

The bill requires the service manifest to include an originator section, a hauler section, and a disposal facility section. The bill requires the service manifest to contain, at a minimum, the following information:

- The name, address, and telephone number of the originator, the hauler, and the disposal facility;
- The condition of the originator’s grease interceptor or grease trap and verification that the grease interceptor or grease trap was cleaned by the hauler and that graywater was not returned to the grease interceptor or grease trap;
- The amount of grease waste removed from the originator’s grease interceptor or grease trap;
- The amount of grease waste disposed of at the disposal facility; and
- The billing receipt or ticket number provided to the hauler by the disposal facility.

With respect to the disposal of grease waste, the bill requires a hauler who removes grease waste from a grease interceptor or grease trap to dispose of it at a disposal facility. The hauler may not return grease waste or graywater to a grease interceptor or grease trap or dispose of grease waste in any location other than a grease facility.

The bill requires a hauler to document the removal and disposal of grease waste with a service manifest. The originator and the hauler must sign the service manifest upon completion of grease waste removal during the originator’s hours of operation to verify that the information contained in the service manifest is accurate. The hauler must provide a copy of the signed service manifest to the originator. The bill provides that if the grease waste removal occurs when the originator is closed or before or after the originator’s hours of operation, the hauler must sign the manifest, verifying that the information contained in it is accurate, and leave a signed copy on the premises in a location designated by the originator.

The bill requires that upon completion of grease waste disposal, the disposal facility operator and the hauler must sign the service manifest, verifying that the information contained in it is accurate. The hauler must provide the originator with a copy of the completed service manifest showing the signatures of the originator, if signed, the hauler, and the disposal facility operator within 30 days after the date of disposal. The bill requires a copy of the signed completed service manifest to be retained on site by the originator and the hauler for one year.

With respect to compliance inspections, the bill requires an inspecting entity to verify that an originator has a contract with a hauler for grease waste removal and that grease removal and disposal are documented properly. The bill also requires the Department of Environmental Protection (DEP) to periodically inspect the service manifests retained by a hauler to ensure compliance.

The bill provides that a hauler who violates these provisions will be subject to the following penalties to be deposited into the Water Quality Assurance Trust Fund:

- For each failure to provide or retain a service manifest, an administrative fine not to exceed \$100.
- For each failure to clean a grease interceptor or grease trap, an administrative fine not to exceed \$250. DEP shall authorize an inspecting entity to impose this penalty as part of a grease interceptor or grease trap inspection.
- For an unlawful disposal of grease waste, an administrative fine of at least \$2,500.
- For a second or subsequent unlawful disposal of grease waste, an administrative fine of at least \$5,000.
- For an unlawful disposal of grease waste, the penalty must include a license suspension of at least 30 days.
- For a second or subsequent unlawful disposal of grease waste, the penalty must include a license revocation of at least 12 months.

The bill requires DEP to adopt rules to implement the regulations in the bill. In addition, the rules must also provide for a local government to receive reports of violations and to collect fines and impose license actions.

This bill does not prohibit a local government from adopting or enforcing an ordinance or rule to regulate the removal and disposal of grease waste which is more strict or extensive than the regulations found in the bill.

Section 2 provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection may incur costs from regulating grease disposal and from periodic inspections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 403.742 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Rouson

19-00790A-22

20221110__

1 A bill to be entitled
2 An act relating to grease waste removal and disposal;
3 creating s. 403.742, F.S.; defining terms; requiring
4 grease waste haulers to dispose of grease waste at
5 disposal facilities; prohibiting grease waste haulers
6 from returning grease waste and graywater to certain
7 grease interceptors and traps and from disposing of
8 grease waste at locations other than disposal
9 facilities; requiring haulers to document grease waste
10 removal and disposal with service manifests; requiring
11 inspecting entities to verify certain contracts and
12 service manifests; requiring the Department of
13 Environmental Protection to periodically inspect
14 service manifests; providing penalties; requiring that
15 the fines from such penalties be deposited into the
16 Water Quality Assurance Trust Fund; requiring the
17 department to adopt rules; providing construction;
18 providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 403.742, Florida Statutes, is created to
23 read:

24 403.742 Grease waste removal and disposal.-

25 (1) DEFINITIONS.-As used in this section, the term:

26 (a) "Disposal facility" means a permitted or certified
27 waste management facility that is authorized to receive grease
28 waste.

29 (b) "Graywater" means kitchen sink wastewater.

19-00790A-22

20221110__

30 (c) "Grease waste" means liquid or solid material composed
31 primarily of fatty substances, oils, and grease from animal or
32 vegetable sources which is retained in a grease interceptor or
33 grease trap.

34 (d) "Hauler" means a person who removes and disposes of
35 grease waste.

36 (e) "Originator" means a food service establishment that
37 processes, prepares, or serves food or beverages for consumption
38 by the public, including, but not limited to, restaurants,
39 commercial kitchens, cafeterias, hotels, school kitchens,
40 hospitals, prisons, correctional facilities, and care
41 institutions.

42 (f) "Service manifest" means an electronic or hard copy
43 recordkeeping system used for the collection and disposal of
44 grease waste pursuant to this section. The service manifest must
45 consist of an originator section, a hauler section, and a
46 disposal facility section and must contain, at a minimum, the
47 following information:

48 1. The name, address, and telephone number of the
49 originator.

50 2. The name, address, and telephone number of the hauler.

51 3. The name, address, and telephone number of the disposal
52 facility.

53 4. The condition of the originator's grease interceptor or
54 grease trap and verification that the grease interceptor or
55 grease trap was cleaned by the hauler and that graywater was not
56 returned to the grease interceptor or grease trap.

57 5. The amount of grease waste removed from the originator's
58 grease interceptor or grease trap.

19-00790A-22

20221110__

59 6. The amount of grease waste disposed of at the disposal
60 facility.

61 7. The billing receipt or ticket number provided to the
62 hauler by the disposal facility.

63 (2) DISPOSAL OF GREASE WASTE.—

64 (a) A hauler who removes grease waste from a grease
65 interceptor or grease trap must dispose of the grease waste at a
66 disposal facility.

67 (b) A hauler may not:

68 1. Return grease waste or graywater to a grease interceptor
69 or grease trap; or

70 2. Dispose of grease waste in any location other than a
71 disposal facility.

72 (3) GREASE WASTE SERVICE MANIFEST.—

73 (a) A hauler must document the removal and disposal of
74 grease waste with a service manifest.

75 (b) Upon completion of grease waste removal during the
76 originator's hours of operation, the originator and the hauler
77 must sign the service manifest, verifying that the information
78 contained in the service manifest is accurate. The hauler must
79 provide a copy of the signed service manifest to the originator.
80 If the grease waste removal occurs when the originator is closed
81 or before or after the originator's hours of operation, the
82 hauler must sign the manifest, verifying that the information
83 contained in the service manifest is accurate, and leave a
84 signed copy of the service manifest on the premises in a
85 location designated by the originator.

86 (c) Upon completion of grease waste disposal, the disposal
87 facility operator and the hauler must sign the service manifest,

19-00790A-22

20221110__

88 verifying that the information contained in the service manifest
89 is accurate.

90 (d) The hauler must provide the originator with a copy of
91 the completed service manifest showing the signatures of the
92 originator if signed pursuant to paragraph (b), the hauler, and
93 the disposal facility operator within 30 days after the date of
94 the disposal.

95 (e) A copy of the signed completed service manifest must be
96 retained on site by the originator and the hauler for 1 year.

97 (4) COMPLIANCE INSPECTIONS.—

98 (a) An inspecting entity must verify that an originator has
99 a contract with a hauler for grease waste removal and that
100 grease removal and disposal are documented pursuant to this
101 section.

102 (b) The department shall periodically inspect the service
103 manifests retained by a hauler to ensure compliance with this
104 section.

105 (5) PENALTIES.—

106 (a) A hauler who violates this section is subject to the
107 following penalties:

108 1. For each failure to provide or retain a service
109 manifest, an administrative fine not to exceed \$100.

110 2. For each failure to clean a grease interceptor or grease
111 trap, an administrative fine not to exceed \$250. The department
112 shall authorize an inspecting entity to impose this penalty as
113 part of a grease interceptor or grease trap inspection.

114 3. For an unlawful disposal of grease waste, an
115 administrative fine of at least \$2,500.

116 4. For a second or subsequent unlawful disposal of grease

19-00790A-22

20221110__

117 waste, an administrative fine of at least \$5,000.

118 (b) For a violation of subparagraph (a)3., the penalty must
119 include a license suspension of at least 30 days.

120 (c) For a second or subsequent violation of subparagraph
121 (a)3., the penalty must include a license revocation of at least
122 12 months.

123 (d) Fines collected pursuant to this subsection must be
124 deposited into the Water Quality Assurance Trust Fund.

125 (6) RULES.—The department shall adopt rules to implement
126 this section. In addition to the requirements under this
127 section, the rules must provide for a local government to
128 receive reports of violations and to collect fines and impose
129 license actions.

130 (7) REGULATION BY LOCAL GOVERNMENTS.—This section does not
131 prohibit a local government from adopting or enforcing an
132 ordinance or rule to regulate the removal and disposal of grease
133 waste which is stricter or more extensive than this section.

134 Section 2. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1434

INTRODUCER: Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Public Financing of Potentially At-risk Structures and Infrastructure

DATE: January 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1434 broadens the geographic applicability of the requirements, for public entities commissioning or managing coastal construction projects using funds appropriated from the state, to create sea level impact projection (SLIP) studies.

The bill provides definitions for the terms “area at risk due to sea level rise,” “potentially at-risk structure or infrastructure,” and “significant flood damage.”

In each place in s. 161.551, F.S., where the term “coastal structure” currently appears, the bill replaces it with the term “potentially at-risk structure or infrastructure.” This expands the geographic scope of the statutory requirements relating to SLIP studies from the coastal building zone, as defined in statute, to areas at risk due to sea level rise.

The bill adds a new requirement to the standards for SLIP studies, which the Department of Environmental Protection establishes by rule, requiring a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structures or infrastructure, and identification of the flood mitigation strategies that have been implemented or are being considered as part of the potentially at-risk structure or infrastructure design.

II. Present Situation:

Flooding and Sea Level Rise

The effects of climate change¹ include sea level rise, increasing storm intensity, and increasing frequency and severity of extreme rainfall events.² These trends result in increased flooding in inland and coastal areas.³ With 1,350 miles of coastline, relatively low elevations, and a porous geology, Florida is particularly vulnerable to coastal flooding.⁴ Coastal areas are facing the combined effects of sea level rise, storm surge, and extreme precipitation.⁵

Sea level rise is an observed increase in the average local sea level or global sea level trend.⁶ Climate change is causing global sea level rise through two primary factors: the loss of land-based ice (ice sheets and glaciers) due to melting, and thermal expansion caused by the warming of the oceans (water expands as it warms).⁷ Global mean sea level has risen about 8–9 inches since 1880, and the rate of rise is accelerating: 0.06 inches per year throughout most of the twentieth century, 0.14 inches per year from 2006–2015, and 0.24 inches per year from 2018–2019.⁸

Sea level rise data is obtained through various scientific equipment: tide gauge stations record the local height of the surrounding water level relative to a reference point on land, and satellite

¹ See NASA, Global Climate Change, Facts, *Effects*, <https://climate.nasa.gov/effects/> (last visited Jan. 20, 2022).

² U.S. Global Change Research Program (USGCRP), *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 31, 40-43, 97, 116-118, 745, 762, 1482 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022); IPCC, *Climate Change 2021: The Physical Science Basis, Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, SPM-10 SPM-11, SPM-28, SPM-33 (2021), available at https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf (last visited Jan. 20, 2022).

³ USGCRP, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 757-68 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022).

⁴ Florida Division of Emergency Management (DEM), *Enhanced State Hazard Mitigation Plan*, 107-108, 162 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022). Florida has over 8,000 miles of coastline when considering intricacies such as bays, inlets, and waterways; McKinsey Global Institute, *Will Mortgages and Markets Stay Afloat in Florida?*, 10, 12, 27 (2020), available at https://www.mckinsey.com/~media/McKinsey/Business%20Functions/Sustainability/Our%20Insights/Will%20mortgages%20and%20markets%20stay%20afloat%20in%20Florida/MGI_Climate%20Risk_Case%20Studies_Florida_May2020.pdf (last visited Jan. 20, 2022). Florida's porous limestone foundation causes saltwater intrusion and seepage from underground.

⁵ See DEM, *Enhanced State Hazard Mitigation Plan*, 107 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022); IPCC, *Climate Change 2021: The Physical Science Basis, Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, SPM-33 (2021), available at https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf (last visited Jan. 20, 2022).

⁶ Dep't of Environmental Protection (DEP), *Florida Adaptation Planning Guidebook*, Glossary (2018), available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Jan. 20, 2022).

⁷ *Id.*; NOAA, *Climate Change: Ocean Heat Content*, <https://www.climate.gov/news-features/understanding-climate/climate-change-ocean-heat-content> (last visited Jan. 20, 2022). More than 90 percent of the warming that has happened on Earth over the past 50 years has occurred in the ocean.

⁸ NOAA, *Climate Change: Global Sea Level*, <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Jan. 20, 2022). The melting of glaciers and ice sheets (such as the Greenland and Antarctic Ice Sheets) is accelerating, and from 2005–2013 melting caused nearly twice as much sea level rise as thermal expansion.

laser altimeters measure the average height of the entire ocean.⁹ Data is incorporated into numerous online tools for visualization.¹⁰ Scientific projections for future sea level rise and precipitation vary based on modeling using different scenarios of future greenhouse gas emissions and atmospheric concentrations.¹¹ After 2050, the various projections for sea level rise and precipitation diverge significantly based on different scenarios of emissions trajectories.¹² Rising sea levels result in gradual coastal inundation as sea level rise raises the height of high tide.¹³ High tide flooding (HTF) generally begins when coastal water levels exceed about 1.75 feet above high tide as measured by a tide gauge.¹⁴ Since 2000, the frequency of HTF in the U.S. has more than doubled, with data showing large increases at tide gauge locations in Florida.¹⁵ For example, research shows that in Miami Beach, between 1998 and 2013, the frequency of recurrent tidal flooding events quadrupled.¹⁶ The frequency of such flooding is projected to continue to increase.¹⁷ Research suggests that the increasing frequency of HTF may not be incremental and may include tipping points punctuated by extreme months and seasons during which many days of HTF cluster together.¹⁸

In Florida, flooding from sea level rise impacts roads, stormwater systems, wastewater systems, public and private property, and natural areas.¹⁹ Sea level rise causes saltwater intrusion of both

⁹ NOAA, Tides and Currents, *Sea Level Trends*, <https://tidesandcurrents.noaa.gov/sltrends/> (last visited Jan. 20, 2022). Showing trends in data from tide gauge stations around Florida; NOAA, *Is Sea Level Rising?*, <https://oceanservice.noaa.gov/facts/sealevel.html> (last visited Jan. 20, 2022); see DEM, *Enhanced State Hazard Mitigation Plan*, 107 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022). “Relative sea level” is measured locally using tide gauges. “Eustatic sea level” is measured globally based on the volume of water in earth’s oceans.

¹⁰ DEP, *SLIP Map*, <https://floridadep-slip.org/Map.aspx> (last visited Jan. 20, 2022).

¹¹ USGCRP, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 1, 6, 40-43, 84-91, 338, 751, 758, 762 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022).

¹² *Id.* at 41-42, 109; IPCC, *The Ocean and Cryosphere in a Changing Climate*, 4-9-4-10 (Sept. 2019), available at https://www.ipcc.ch/site/assets/uploads/sites/3/2019/12/SROCC_FullReport_FINAL.pdf (last visited Jan. 20, 2022); SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 7, 25, 29 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022).

¹³ DEM, *Enhanced State Hazard Mitigation Plan*, 101, 108 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022); SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 17 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022). Rapid pulses are possible.

¹⁴ NOAA, *2021 State of High Tide Flooding and Annual Outlook*, v, 1 (2021), available at https://tidesandcurrents.noaa.gov/publications/2021_State_of_High_Tide_Flooding_and_Annual_Outlook_Final.pdf (last visited Jan. 20, 2022).

¹⁵ *Id.* at 9, 16-17.

¹⁶ SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 31 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022).

¹⁷ NOAA, *2021 State of High Tide Flooding and Annual Outlook*, v-vi, 10 (2021). By 2030, without additional adaptation measures, national HTF frequency is likely to be about 2–3 times greater than today. By 2050, its likely to be 5–15 times greater.

¹⁸ Thompson et al., *Rapid Increases and Extreme Months in Projections of United States High-Tide Flooding*, NATURE CLIMATE CHANGE 11, 584-585, 589 (2021), available at <https://www.nature.com/articles/s41558-021-01077-8> (last visited Jan. 20, 2022).

¹⁹ SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 5 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022).

surface water and groundwater, threatening fresh water resources including coastal aquifers.²⁰ It causes coastal erosion and threatens coastal ecosystems which, when healthy and allowed space for landward migration, are critical for resilience.²¹ Sea level rise also raises coastal groundwater tables and pushes salt water further inland.²² Many of these processes are exacerbated by Florida's porous limestone geology.²³

Future storms are generally expected to have increased average intensity and precipitation rates.²⁴ Storm intensity is a principal determinant of storm surge height.²⁵ Storm surge is water driven ashore by the wind during severe weather, and it is an especially dangerous aspect of coastal flooding.²⁶ Sea level rise is expected to increase the impacts from storm surge, as it will build on top of a higher base of water, travel farther inland, and impact more areas and properties

²⁰ DEM, *Enhanced State Hazard Mitigation Plan*, 106 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022); SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 33-35 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022).

²¹ SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 35 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022); DEM, *Enhanced State Hazard Mitigation Plan*, 106, 221 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022); USGCRP, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 340-341, 690, 775, 833 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022). Coastal ecosystems reduce erosion, buffer against waves and storm surge, attenuate wave energy, maintain water quality, and provide habitat for wildlife.

²² DEM, *Enhanced State Hazard Mitigation Plan*, 108 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022).

²³ See Urban Land Institute (ULI), *The Business Case for Resilience - Regional Economic Benefits of Climate Adaptation*, 20 (2020), available at https://knowledge.uli.org/-/media/files/research-reports/2020/the-business-case-for-resilience-in-southeast-florida_final.pdf?rev=81609c7f6b72479d89c49aff72fea446&hash=FB2E953B8A456CFE781169A0CAA82333 (last visited Jan. 20, 2022).

²⁴ SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 35 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022); DEM, *Enhanced State Hazard Mitigation Plan*, 106, 221 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022); USGCRP, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 97, 116-118, 1482 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022); see Knutson et al., *Tropical Cyclones and Climate Change Assessment, Part II: Projected Response to Anthropogenic Warming*, American Meteorological Society, E317-E318 (2020), available at <https://journals.ametsoc.org/bams/article/101/3/E303/345043/Tropical-Cyclones-and-Climate-Change-Assessment> (last visited Jan. 20, 2022); IPCC, *Climate Change 2021: The Physical Science Basis, Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, SPM-20 (2021), available at https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf (last visited Jan. 20, 2022). The proportion of intense tropical cyclones (categories 4-5) and peak wind speeds of the most intense tropical cyclones are projected to increase globally.

²⁵ DEM, *Enhanced State Hazard Mitigation Plan*, 441 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022).

²⁶ DEM, *Enhanced State Hazard Mitigation Plan*, 100 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022); Emrich et al., *Climate-Sensitive Hazards in Florida, Identifying and Prioritizing Threats to Build Resilience against Climate Effects*, Storm Surge 1 of 37 (2014), available at <https://flbrace.org/images/docs/climate-sensitive-hazards-in-florida-final-report.pdf> (last visited Jan. 20, 2022).

than in the past.²⁷ Storm surges are an especially dangerous aspect of coastal flooding and their impacts also include coastal erosion, property loss and damage, and debris carried by the water.²⁸ A warmer atmosphere holds more water vapor, leading to more frequent and intense extreme rainfall events that are contributing to increased inland and coastal flooding.²⁹ Extreme rainfall events can stress or overwhelm stormwater infrastructure, while sea level rise impairs gravity-driven systems and reduces the discharge capacity of coastal water control structures.³⁰ By raising groundwater levels, sea level rise reduces the ability of rainfall to infiltrate the soil, and the reduced soil storage capacity causes flooding.³¹

Florida's 35 coastal counties contain 76% of its population and 79% of its total economy as of 2012.³² One study found that 20.5% of properties in Florida were at substantial risk of flooding in 2020 and 24.3% will be at such risk by 2050.³³ Another study found tidal flooding could result in a total property devaluation of \$10–\$30 billion by 2030 and \$30–\$80 billion by 2050, and that

²⁷ DEM, *Enhanced State Hazard Mitigation Plan*, 100, 106-08 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022); USGCRP, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 758 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022).

²⁸ DEM, *Enhanced State Hazard Mitigation Plan*, 138-40, 217-19 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022); Emrich et al., *Climate-Sensitive Hazards in Florida, Identifying and Prioritizing Threats to Build Resilience against Climate Effects*, Storm Surge 1 of 37 (2014), available at <https://flbrace.org/images/docs/climate-sensitive-hazards-in-florida-final-report.pdf> (last visited Jan. 20, 2022); NOAA, *Florida Marine Debris Emergency Response Guide: Comprehensive Guidance Document*, 16-18 (May 2021), available at <https://marinedebris.noaa.gov/file/5582/download?token=3Ju2uDHQ> (last visited Jan. 20, 2022). Forty percent of all hurricanes that strike the U.S. make landfall in Florida. *Id.* at 15.

²⁹ USGCRP, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 88, 97, 113, 745, 762, 1447 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022); DEM, *Enhanced State Hazard Mitigation Plan*, 106 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022); IPCC, *Climate Change 2021: The Physical Science Basis, Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, SPM-20 (2021), available at https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf (last visited Jan. 20, 2022). Globally, extreme daily precipitation events are projects to intensify by about 7% for each 1°C of warming.

³⁰ USGCRP, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 763 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022); SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 5, 34 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022).

³¹ SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 33 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022); DEM, *Enhanced State Hazard Mitigation Plan*, 106, 181 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Jan. 20, 2022).

³² DEP, *Florida Adaptation Planning Guidebook*, at III (2018), available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Jan. 20, 2022); see McKinsey Global Institute, *Will Mortgages and Markets Stay Afloat in Florida?*, 13 (2020), available at https://www.mckinsey.com/~/media/McKinsey/Business%20Functions/Sustainability/Our%20Insights/Will%20mortgages%20and%20markets%20stay%20afloat%20in%20Florida/MGI_Climate%20Risk_Case%20Studies_Florida_May2020.pdf (last visited Jan. 20, 2022). Almost 10% of the state's population is less than 4.9 feet (1.5 meters) above sea level.

³³ First Street Foundation (FSF), *The First National Flood Risk Assessment: Defining America's Growing Risk*, 39 (2020), available at https://assets.firststreet.org/uploads/2020/06/first_street_foundation_first_national_flood_risk_assessment.pdf (last visited Jan. 20, 2022). The study calculates substantial risk as a 1% annual risk of 1 cm of inundation or more.

real estate losses during 100-year storm surge events could reach \$50–\$75 billion by 2050.³⁴ A regional analysis found that in Southeast Florida alone, by 2040, \$4.2 billion in property value could be lost to daily tidal inundation and one 10-year storm tide event could cause \$3.2 billion in property damage.³⁵ It is estimated that Florida has nine of the top ten counties in the nation for total annual risk of economic loss from flooding.³⁶ Despite the risks, people and capital continue to flow into exposed coastal areas in Florida.³⁷

Adaptation strategies such as elevating properties or constructing coastal structures may be cost-prohibitive in certain instances, and the burdens of adaptation disproportionately affect vulnerable individuals or communities.³⁸ A recent report from a medical journal states a range of health impacts related to rising sea levels are likely to occur.³⁹

As sea level rise continues, financial impacts may include increases in flood insurance costs,⁴⁰ decreases in property sales or property values, and increased risk for lenders.⁴¹ Coastal flooding

³⁴McKinsey Global Institute, *Will Mortgages and Markets Stay Afloat in Florida?*, 15-19 (2020), available at https://www.mckinsey.com/~media/McKinsey/Business%20Functions/Sustainability/Our%20Insights/Will%20mortgages%20and%20markets%20stay%20afloat%20in%20Florida/MGI_Climate%20Risk_Case%20Studies_Florida_May2020.pdf (last visited Jan. 20, 2022).

³⁵ ULI, *The Business Case for Resilience - Regional Economic Benefits of Climate Adaptation*, 6 (2020), available at https://knowledge.uli.org/~media/files/research-reports/2020/the-business-case-for-resilience-in-southeast-florida_final.pdf?rev=81609c7f6b72479d89c49aff72fea446&hash=FB2E953B8A456CFE781169A0CAA82333 (last visited Jan. 20, 2022). In 2070, the estimated potential harm in Southeast Florida increases to \$53.6 billion of lost property value from daily tidal inundation and \$16.5 billion of property damage from one 10-year storm.

³⁶ FSF, *The Cost of Climate, America's Growing Flood Risk*, 11 (Feb. 2021), available at https://assets.firststreet.org/uploads/2021/02/The_Cost_of_Climate_FSF20210219-1.pdf (last visited Jan. 20, 2022).

³⁷ McKinsey Global Institute, *Will Mortgages and Markets Stay Afloat in Florida?*, 13 (2020), available at https://www.mckinsey.com/~media/McKinsey/Business%20Functions/Sustainability/Our%20Insights/Will%20mortgages%20and%20markets%20stay%20afloat%20in%20Florida/MGI_Climate%20Risk_Case%20Studies_Florida_May2020.pdf (last visited Jan. 20, 2022).

³⁸ USGCRP, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 333-35 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022); U.S. Government Accountability Office, *A Climate Migration Pilot Program Could Enhance the Nation's Resilience and Reduce Federal Fiscal Exposure*, 29 (2020), <https://www.gao.gov/assets/710/707961.pdf> (last visited Jan. 20, 2022); see A.R. Siders and Jesse M. Keenan, *Variables Shaping Coastal Adaptation Decisions to Armor, Nourish, and Retreat in North Carolina*, OCEAN AND COASTAL MANAGEMENT, vol. 183, pg. 1–2, 9 (Jan. 2020), available at <https://www.sciencedirect.com/science/article/abs/pii/S0964569119305836> (last visited Jan. 20, 2022); see generally Buchanan et al., *Sea Level Rise and Coastal Flooding Threaten Affordable Housing*, ENVIRONMENTAL RESEARCH LETTERS (Dec. 1, 2020), available at <https://iopscience.iop.org/article/10.1088/1748-9326/abb266> (last visited Jan. 20, 2022).

³⁹ Watts et al., *The 2020 Report of The Lancet Countdown on Health and Climate Change: Responding to Converging Crises*, THE LANCET, Vol. 396, 14 (2020), [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)32290-X/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)32290-X/fulltext) (last visited Jan. 20, 2022). The report mentions “changes in water and soil quality and supply, livelihood security, disease vector ecology, flooding, and saltwater intrusion.”

⁴⁰ FSF, *The Cost of Climate, America's Growing Flood Risk*, 39 (Feb. 2021). The report finds that if insurance prices were adjusted to account for actual current flood risk premiums for many properties in Florida would increase significantly, by as much as 4.8 to 7.7 times the current rates (depending on location), impacting property values.

⁴¹ McKinsey Global Institute, *Will Mortgages and Markets Stay Afloat in Florida?*, 22-27 (2020), available at https://www.mckinsey.com/~media/McKinsey/Business%20Functions/Sustainability/Our%20Insights/Will%20mortgages%20and%20markets%20stay%20afloat%20in%20Florida/MGI_Climate%20Risk_Case%20Studies_Florida_May2020.pdf (last visited Jan. 20, 2022) (lending risks involve not only banks investing in private homes and businesses, but also potential downgrades to bond ratings for local governments that do not implement adaptation strategies); SFRCCC, *Unified Sea Level*

can disrupt local economies and tourism, leading to lost revenues for the public and private sectors, and over time risks include loss or impairment of employment opportunities and public services and infrastructure.⁴² While accounting for the chronic stresses of recurrent flooding, local governments will increasingly need to finance adaptation strategies, such as investing in infrastructure or pumping systems, which may be made more difficult over time by any downgrades to municipal bond ratings or long-term tax losses.⁴³

Studies show significant positive returns on investment calculated for resilience measures, including the following benefit-cost ratios: \$6 for every \$1 spent through federal grants on natural hazard mitigation, and, for future resilience investments in Southeast Florida, \$4 for every \$1 on building-level adaptations and \$2 for every \$1 on community-wide adaptations.⁴⁴

Sea Level Rise Projections

Entities from the international to the local level use scientific data and modeling to create projections of future sea level rise for planning and decision-making. The Intergovernmental Panel on Climate Change (IPCC) includes 195 member countries assessing climate change science reviewed by thousands of experts around the globe and intended to reflect the full range of scientific views.⁴⁵ The National Oceanic and Atmospheric Administration (NOAA) operates tide gauges along the nation's coasts and satellites that measure changes in sea level. In 2012 and 2017, NOAA published sea level rise projections for the U.S.⁴⁶ NOAA's projections include six scenarios ranging from "low" to "extreme," with several intermediate scenarios.⁴⁷ NOAA's projections were used in the fourth national climate assessment by the U.S. Global Change Research Program, a program of thirteen federal agencies analyzing the changing global environment.⁴⁸ The U.S. Army Corps of Engineers (USACE) has developed policies requiring consideration of specific scenarios of sea level change at every step in a project's life cycle.⁴⁹

Rise Projection Southeast Florida - 2019 Update, 5 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022).

⁴² ULI, *The Business Case for Resilience - Regional Economic Benefits of Climate Adaptation*, 13, 14, 19, 20 (2020), available at https://knowledge.uli.org/-/media/files/research-reports/2020/the-business-case-for-resilience-in-southeast-florida_final.pdf?rev=81609c7f6b72479d89c49aff72fea446&hash=FB2E953B8A456CFE781169A0CAA82333 (last visited Jan. 20, 2022).

⁴³ *Id.* at 10, 23, 33; McKinsey Global Institute, *Will Mortgages and Markets Stay Afloat in Florida?*, 27 (2020), available at https://www.mckinsey.com/~/-/media/McKinsey/Business%20Functions/Sustainability/Our%20Insights/Will%20mortgages%20and%20markets%20stay%20afloat%20in%20Florida/MGI_Climate%20Risk_Case%20Studies_Florida_May2020.pdf (last visited Jan. 20, 2022).

⁴⁴ ULI, *The Business Case for Resilience - Regional Economic Benefits of Climate Adaptation*, 26 (2020), available at https://knowledge.uli.org/-/media/files/research-reports/2020/the-business-case-for-resilience-in-southeast-florida_final.pdf?rev=81609c7f6b72479d89c49aff72fea446&hash=FB2E953B8A456CFE781169A0CAA82333 (last visited Jan. 20, 2022); National Institute of Building Sciences, *Natural Hazard Mitigation Saves*, 1-2 (Dec. 2019), available at https://www.nibs.org/files/pdfs/NIBS_MMC_MitigationSaves_2019.pdf (last visited Jan. 20, 2022).

⁴⁵ IPCC, *About the IPCC*, <https://www.ipcc.ch/about/> (last visited Jan. 20, 2022).

⁴⁶ NOAA, *Climate Change: Global Sea Level*, available at <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Jan. 20, 2022).

⁴⁷ Sweet et al., NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, 21–23 (2017), available at https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf (last visited Jan. 20, 2022).

⁴⁸ USGCRP, *About USGCRP*, <https://www.globalchange.gov/about> (last visited Jan. 20, 2022).

⁴⁹ See USACE, *Policies*, https://www.usace.army.mil/corpsclimate/climate_policies/ (last visited Jan. 20, 2022).

Sea level rise is experienced differently in different areas, depending on many factors including ocean currents, subsidence (sinking of land), accretion (accumulation of sediment), land use, and erosion.⁵⁰ The Southeast Florida Regional Climate Change Compact (Compact), a collaboration including Broward, Miami-Dade, Monroe, and Palm Beach counties, periodically assembles a technical work group of experts to produce sea level rise projections to assist planning and decision-making in Southeast Florida.⁵¹ Many local governments in the region have incorporated the Compact’s projections into their planning documents and policies.⁵² In 2019, the Tampa Bay Climate Science Advisory Panel recommended a common set of sea level rise projections for use throughout the Tampa Bay region.⁵³

Sea Level Rise Projections				
Source	Scale	Year	Low (feet)	High (feet)
IPCC Assessment Report 6 ⁵⁴	Global	2100	0.92–1.8	2.07–3.31
		2150	1.21–2.82	3.22–6.17
NOAA (Sweet et al., 2017), Low–Extreme ⁵⁵	Global	2040	0.43	1.35
		2070	0.72	3.94
		2100	.98	8.20
SFRCCC Unified Sea Level Rise Projection, 2019 Update ⁵⁶	Southeast Florida	2040	.83	1.42
		2070	1.75	3.33
		2120	3.33	7.67
Tampa Bay Climate Science Advisory Panel ⁵⁷	Tampa Bay Region	2050	1	2.5
		2100	2	8.5

⁵⁰ USGCRP, *Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States*, 757, 855, 1495 (2018), available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Jan. 20, 2022).

⁵¹ SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 8 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022).

⁵² SFRCCC, *Climate Action Plan, ST-1: Incorporate Projections Into Plans*, <http://southeastfloridaclimatecompact.org/recommendations/incorporate-projections-into-plans/> (last visited Jan. 20, 2022).

⁵³ Tampa Bay Climate Science Advisory Panel, *Recommended Projections of Sea Level Rise in the Tampa Bay Region*, 7 (Apr. 2019), available at http://www.tbrpc.org/wp-content/uploads/2019/05/CSAP_SLR_Recommendation_2019.pdf (last visited Jan. 20, 2022).

⁵⁴ IPCC, *Climate Change 2021: The Physical Science Basis, Contribution of Working Group I to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change*, SPM-28 (2021), available at https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf (last visited Jan. 20, 2022). The low and high ranges shown in the table represent the very low and very high greenhouse gas emissions scenarios, respectively.

⁵⁵ Sweet et al., NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, 21, 23 (2017), available at https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf (last visited Jan. 20, 2022).

⁵⁶ SFRCCC, *Unified Sea Level Rise Projection Southeast Florida - 2019 Update*, 9-10 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf (last visited Jan. 20, 2022). The range in the table shows regional applications of the IPCC Representative Concentration Pathway 8.5 Median curve and the NOAA Intermediate High curve.

⁵⁷ Tampa Bay Climate Science Advisory Panel, *Recommended Projections of Sea Level Rise in the Tampa Bay Region*, 7 (Apr. 2019), available at http://www.tbrpc.org/wp-content/uploads/2019/05/CSAP_SLR_Recommendation_2019.pdf (last visited Jan. 20, 2022).

Statewide Resilience Programs

In 2021, the Legislature, recognizing that Florida is vulnerable to flooding from increasing rainfall, storm surge, and sea level rise, established several statewide resilience programs.⁵⁸ Those programs include the following:

- The Department of Environmental Protection’s (DEP’s) Resilient Florida Grant Program provides grants to counties or municipalities for community resilience planning, such as vulnerability assessments, plan development, and projects to adapt critical assets.⁵⁹ The findings of the assessments must be reported to DEP.
- The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment, which must be updated at least every five years.⁶⁰ DEP must:
 - By July 1, 2022, develop a statewide data set, including statewide sea level rise projections, containing information necessary to determine the risks of flooding and sea level rise to inland and coastal communities.
 - By July 1, 2023, develop a statewide assessment, using the statewide data set, identifying vulnerable infrastructure, geographic areas, and communities. The statewide assessment must include an inventory of critical assets.⁶¹
- The Statewide Flooding and Sea Level Rise Resilience Plan.⁶² By each December 1, DEP must develop the plan on a three-year planning horizon and submit it to the Governor and Legislature for funding of ranked projects.⁶³

The Coastal Zone Protection Act

The Coastal Zone Protection Act of 1985 (Act)⁶⁴ is intended to manage the most sensitive portion of Florida’s coastal areas through the imposition of strict construction standards in order to minimize damage to the natural environment, private property, and life.⁶⁵

The Act covers activities and construction within the “coastal building zone.” The coastal building zone is the land from the seasonal high-water line⁶⁶ landward to a line 1,500 feet landward from the coastal construction control line (CCCL),⁶⁷ and for those areas where no CCCL has been established, the coastal building zone is the land seaward of the most landward

⁵⁸ See ch. 2021-28, Laws of Fla., codified in ss. 380.093, 380.0933, 403.928(4), F.S.

⁵⁹ Section 380.093(2)(a), F.S. “Critical asset” is defined to include broad lists of assets relating to transportation, critical infrastructure, emergency facilities, natural resources, and historical and cultural resources.

⁶⁰ Section 380.093(4), F.S.

⁶¹ *Id.*

⁶² Section 380.093(5), F.S.

⁶³ Section 380.093, F.S.

⁶⁴ Sections 161.52-161.58, F.S.

⁶⁵ Sections 161.53(5), F.S.

⁶⁶ See s. 161.053(5)(a)2., F.S. (defining “seasonal high-water line” as “the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water”); see s. 177.27(14), F.S. (defining “mean high water,” in part, as the average height of the high waters over a 19-year period).

⁶⁷ See s. 161.053, F.S. A CCCL defines the portion of the beach-dune system that is subject to severe fluctuations caused by a 100-year storm surge, storm waves, or other predictable weather conditions. Generally, a permit is required for construction and excavation activities seaward of the CCCL. See generally Fla. Admin. Code Chapters 62B-33, 62B-34, 62B-49, and 62B-56.

velocity zone (V-zone) line⁶⁸ as established by the Federal Emergency Management Agency and shown on flood insurance rate maps.⁶⁹ On coastal barrier islands, the coastal building zone is the land from the seasonal high-water line to a line 5,000 feet landward from the CCCL, or the entire island, whichever is less.⁷⁰ For coastal barrier islands on which a CCCL has not been established, the coastal building zone is the land seaward of the most landward V-zone boundary line fronting upon the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida.⁷¹ All land in the Florida Keys located within Monroe County is in the coastal building zone.⁷²

The Act defines certain types of structures regulated within the coastal building zone.⁷³ A “[m]ajor structure” means houses, mobile homes, apartment buildings, condominiums, motels, hotels, restaurants, towers, other types of residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.⁷⁴ A “[n]onhabitable major structure” means swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, and all related structures or facilities, transmission lines, distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.⁷⁵

The Act also defines “substantial flood damage,” which means “flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event.”⁷⁶

Sea Level Impact Projection (SLIP) Studies

In 2020, the Legislature created within the Act s. 161.551, F.S., entitled “Public financing of construction projections within the coastal building zone.”⁷⁷

Section 161.551, F.S., requires a public entity that commissions or manages a construction project on a coastal structure, using funds appropriated from the state, to conduct a sea level

⁶⁸ FEMA, *National Flood Insurance Program (NFIP), Floodplain Management Requirements, FEMA 480*, 3-22–3-23, 3-29, 5-51, 7-59 (2005), available at https://www.fema.gov/sites/default/files/documents/fema-480_floodplain-management-study-guide_local-officials.pdf (last visited Jan. 20, 2022). Special Flood Hazard Areas on flood insurance rate maps include “A Zones,” which are the regular base floodplain, and “V Zones,” which are coastal high hazard areas, subject to more stringent regulatory requirements and different flood insurance rates, where structures must be protected from hazards such as waves, storm surges, hurricane-force winds, and erosion.

⁶⁹ Section 161.54(1), F.S.

⁷⁰ Section 161.55(4), F.S.

⁷¹ *Id.*

⁷² *Id.*

⁷³ Section 161.54(6), F.S.

⁷⁴ Section 161.54(6)(a), F.S.

⁷⁵ Section 161.54(6)(c), F.S.

⁷⁶ Section 161.551(1)(e), F.S.; *but see* FEMA, *What Does “Substantial Damage” Mean?*, <https://www.fema.gov/press-release/20210318/what-does-substantial-damage-mean> (last visited Jan. 21, 2022) (noting that FEMA applies the term “substantial damage” to a structure in a Special Flood Hazard Area – or floodplain – for which the total cost of repairs is 50 percent or more of the structure’s market value before the disaster occurred, regardless of the cause of damage).

⁷⁷ Chapter 2020-119, Laws of Fla.

impact projection (SLIP) study prior to commencing construction.⁷⁸ The section defines a coastal structure as a major structure or nonhabitable major structure within the coastal building zone.⁷⁹

Before construction commences, a state-financed constructor⁸⁰ must conduct a SLIP study meeting the statutory requirements, submit the study to DEP, and receive notification from DEP that the study has been published on DEP's website for at least 30 days.⁸¹ DEP is required to develop by rule the specific standards for conducting a SLIP study.⁸² Under the statute, DEP's SLIP study standards must, at a minimum, require state-financed constructors to do all of the following:

- Use a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study.
- Assess the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less.
 - The assessment must take into account potential relative local sea level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less, and, to the extent possible, account for the contribution of sea-level rise versus land subsidence to the relative local sea-level rise.
 - The assessment must provide scientific and engineering evidence of the risk to the coastal structure and methods used to mitigate, adapt to, or reduce this risk.
 - The assessment must use and consider available scientific research and generally accepted industry practices.
 - The assessment must provide the mean average annual chance of substantial flood damage over the expected life of the coastal structure or 50 years, whichever is less.
 - The assessment must analyze potential public safety and environmental impacts resulting from damage to the coastal structure, including, but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.
- Provide alternatives for the coastal structure's design and siting, and how such alternatives would impact specified risks, as well as the risk and cost associated with maintaining, repairing, and constructing the coastal structure.⁸³

If a state-financed constructor commences construction of a coastal structure without complying with the SLIP study requirements, DEP is authorized to institute a civil action.⁸⁴ In such cases, DEP may:

- Seek injunctive relief to cease further construction of the coastal structure or enforce compliance with this section or with rules adopted by DEP pursuant to this section.
- If the coastal structure has been completed or has been substantially completed, seek recovery of all or a portion of state funds expended on the coastal structure.⁸⁵

⁷⁸ Section 161.551(2), F.S.

⁷⁹ Section 161.551(1)(a), F.S.

⁸⁰ Section 161.551(1)(b) and (d), F.S. "State-financed constructor" is defined as "a public entity that commissions or manages a construction project using funds appropriated from the state."

⁸¹ Section 161.551(2), F.S.

⁸² Section 161.551(3), F.S.

⁸³ Section 161.551(3), F.S.

⁸⁴ Section 161.551(4), F.S.

⁸⁵ *Id.*

DEP is authorized to enforce the requirements of s. 161.551, F.S., and required to adopt rules as necessary to administer the Act.⁸⁶ Accordingly, DEP has adopted a rule providing the requirements for state-financed constructors⁸⁷ and developed a web-based tool enabling them to create and submit SLIP study reports pursuant to the statute.⁸⁸ The web-based tool provides resources for the benefit of the public, including policy information, a database of resilience strategies, and an interactive map for visualizing different scenarios of sea level rise and flooding.⁸⁹

III. Effect of Proposed Changes:

Section 1 amends s. 161.551, F.S., which requires a public entity commissioning or managing certain construction projects within the coastal building zone, using funds appropriated from the state, to conduct a sea level impact projection (SLIP) study prior to commencing construction.

The bill changes the title of s. 161.551, F.S., from “Public financing of construction projects within the coastal building zone” to “Public financing of construction projects within areas at risk due to sea level rise.”

The bill creates a definition, defining “[a]rea at risk due to sea level rise” as:

[A]ny location that is projected to be below the threshold for tidal flooding within the next 50 years by adding sea-level rise using the 2017 National Oceanic and Atmospheric Administration intermediate-high sea-level rise projection. For purposes of this paragraph, the threshold for tidal flooding is 2 feet above mean higher high water.

The bill defines the term “[p]otentially at-risk structure or infrastructure” as meaning any of the following when within an area at risk due to sea-level rise:

- A major structure, regardless of whether it has the potential for substantially impacting coastal zones.
- A nonhabitable major structure.
- Any other construction critical to public health, life, or safety.

This definition of “[p]otentially at-risk structure or infrastructure” replaces the existing definition of “coastal structure” as “a major structure or nonhabitable major structure within the coastal building zone.”

The bill replaces the definition of “[s]ubstantial flood damage” with “[s]ignificant flood damage,” which means flood, erosion, inundation, or wave action damage resulting from a discrete or compound natural hazard event, such as a flood or tropical weather system, where such damage exceeds:

⁸⁶ Section 161.551(6) and (7), F.S.

⁸⁷ Fla. Admin. Code R. 62S-7.011.

⁸⁸ DEP, *Sea Level Impact Projection Study Tool*, <https://www.floridadep-slip.org/> (last visited Jan. 20, 2022).

⁸⁹ *Id.*

- Twenty-five percent of the replacement cost of the potentially at risk structure or infrastructure at the time of the event; or
- A defined threshold established by the Department of Environmental Protection (DEP) in coordination with the Department of Transportation and water management districts. The threshold must be established by July 1, 2023.

The bill revises the requirement that a state-financed constructor assess the flooding, inundation, and wave action damage risks relating to a coastal structure over its expected life or 50 years, whichever is less, by referencing “potentially at-risk structure or infrastructure” instead of “coastal structure.” The bill also revises the requirement that the assessment provide the “mean average annual chance of substantial flood damage” over the expected life of the coastal structure or 50 years, whichever is less, to instead require the assessment to provide “an estimated probability of significant flood damage to the potentially at-risk structure or infrastructure” over the expected life of the structure or infrastructure, whichever is less.

The bill replaces the term “coastal structure” with the term “potentially at-risk structure or infrastructure” throughout s. 161.551, F.S. This broadens the geographic applicability of the section’s requirements from the coastal building zone⁹⁰ to areas at risk due to sea level rise.

The bill also creates a new requirement for SLIP studies. The studies must provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structure or infrastructure, and identify the flood mitigation strategies that have been implemented or are being considered as part of the potentially at-risk structure or infrastructure design.

Section 2 provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁹⁰ Section 161.54(1), F.S. “Coastal Building Zone” is defined as “the land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line as established pursuant to s. 161.053, and, for those coastal areas fronting on the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. 161.053, the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency and shown on flood insurance rate maps.” *Id.* The coastal building zone on coastal barrier islands is “the land area from the seasonal high-water line to a line 5,000 feet landward from the coastal construction control line established pursuant to s. 161.053, or the entire island, whichever is less. For coastal barrier islands on which a coastal construction control line has not been established pursuant to s. 161.053, the coastal building zone shall be the land area seaward of the most landward velocity zone (V-zone) boundary line fronting upon the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida. All land area in the Florida Keys located within Monroe County shall be included in the coastal building zone.” Section 161.55(4), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill expands the geographic applicability of procedures that identify long-term risks to coastal structures, and potentially avoids some of the large costs of mitigating and dealing with future damage to, or even loss of, potentially at-risk structures or infrastructure. To the extent that the bill increases the avoided costs of damage or destruction, residents and businesses may benefit.

C. Government Sector Impact:

The bill would require DEP to promulgate and administer new regulations which may cause DEP to incur additional costs.

Requiring government entities to conduct a larger number of sea-level impact project studies prior to construction may result in an indeterminate, negative fiscal impact on the government sector in the short-term. However, the bill requires procedures that identify risks and potentially avoid damage and loss for an increased range of potentially at-risk structures or infrastructure, at least in part, using funds appropriated from the state. This may result in state funds, or potentially federal grant money that is appropriated from the state, being used for structures or infrastructure that have less risk of damage or loss over time, or structures or infrastructure that may remain undamaged or intact for a longer period of time. Therefore, the bill may result in an indeterminate, positive impact on the government sector in the long-term.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 161.551 of the Florida Statutes.

IX. Additional Information:

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

CS by Environment and Natural Resources on January 24, 2022:

- Revises the definition of “Area at risk due to sea-level rise,” such that it only means any location that is projected to be below the threshold for tidal flooding within the next 50 years by adding sea-level rise using the 2017 National Oceanic and Atmospheric Administration intermediate-high sea-level rise projection.
- Revises the definition of “Potentially at-risk structure or infrastructure,” such that it means any of the following when within an area at risk due to sea-level rise:
 - A major structure, regardless of whether it has the potential for substantially impacting coastal zones.
 - A nonhabitable major structure.
 - Any other construction critical to public health, life, or safety.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2022	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 19 - 33
and insert:

(a) "Area at risk due to sea-level rise" means any location that is projected to be below the threshold for tidal flooding within the next 50 years by adding sea-level rise using the 2017 National Oceanic and Atmospheric Administration intermediate-high sea-level rise projection. For purposes of this paragraph, the threshold for tidal flooding is 2 feet above mean higher



219484

11 high water.

12 (b)-(a) "Potentially at-risk Coastal structure or
13 infrastructure" means any of the following when within an area
14 at risk due to sea-level rise:

15 1. A a major structure, regardless of whether it has the
16 potential for substantially impacting coastal zones.

17 2. A ~~or~~ nonhabitable major structure.

18 3. Any other construction critical to public health, life,
19 or safety within the coastal building zone.

20

By Senator Rodriguez

39-01307B-22

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1 A bill to be entitled
2 An act relating to public financing of potentially at-
3 risk structures and infrastructure; amending s.
4 161.551, F.S.; defining and revising terms; providing
5 that certain areas are at risk due to sea-level rise
6 and structures and infrastructure within those areas
7 are potentially at risk; providing an additional
8 requirement for the standard for conducting a SLIP
9 study; conforming provisions to changes made by the
10 act; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 161.551, Florida Statutes, is amended to
15 read:

16 161.551 Public financing of construction projects within
17 areas at risk due to sea-level rise ~~the coastal building zone.~~-

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

19 (a) "Area at risk due to sea-level rise" means an area
20 where sea-level rise can substantially increase flood risk,
21 including tidal, storm surge, riverine, runoff, stormwater,
22 groundwater inundation, or coastal erosion. An area at risk is
23 any location that is projected to be below the threshold for
24 tidal flooding within the next 50 years by adding sea-level rise
25 using the 2017 National Oceanic and Atmospheric Administration
26 intermediate-high sea-level rise projection. For purposes of
27 this paragraph, the threshold for tidal flooding is 2 feet above
28 mean higher high water.

29 (b) ~~(a)~~ "Potentially at-risk Coastal structure or

39-01307B-22

20221434__

30 infrastructure" means any a major structure or infrastructure,
31 including all infrastructure critical to public health, life, or
32 safety, within an area at risk due to sea-level rise
33 ~~nonhabitable major structure within the coastal building zone.~~

34 (c) ~~(b)~~ "Public entity" means the state or any of its
35 political subdivisions, or any municipality, county, agency,
36 special district, authority, or other public body corporate of
37 the state which is demonstrated to perform a public function or
38 to serve a governmental purpose that could properly be performed
39 or served by an appropriate governmental unit.

40 (e) ~~(d)~~ "SLIP study" means a sea level impact projection
41 study as established by the department pursuant to subsection
42 (3).

43 (f) ~~(d)~~ "State-financed constructor" means a public entity
44 that commissions or manages a construction project using funds
45 appropriated from the state.

46 (d) ~~(e)~~ "Significant ~~Substantial~~ flood damage" means flood,
47 erosion, inundation, or wave action damage resulting from a
48 discrete or compound natural hazard ~~single~~ event, such as a
49 flood or tropical weather system, where such damage exceeds:

50 1. Twenty-five ~~25~~ percent of the replacement cost ~~market~~
51 ~~value~~ of the potentially at-risk ~~coastal~~ structure or
52 infrastructure at the time of the event; or

53 2. A defined threshold established by the department in
54 coordination with the Department of Transportation and water
55 management districts. The threshold must be established by July
56 1, 2023.

57 (2) Beginning 1 year after the date the rule developed by
58 the department pursuant to subsection (3) is finalized and is

39-01307B-22

20221434__

59 otherwise in effect, a state-financed constructor may not
60 commence construction of a potentially at-risk ~~coastal~~ structure
61 or infrastructure without:

62 (a) Conducting a SLIP study that meets the requirements
63 established by the department;

64 (b) Submitting the study to the department; and

65 (c) Receiving notification from the department that the
66 study was received and that it has been published on the
67 department's website pursuant to paragraph (6)(a) for at least
68 30 days. The state-financed constructor is solely responsible
69 for ensuring that the study submitted to the department for
70 publication meets the requirements under subsection (3).

71 (3) The department shall develop by rule a standard by
72 which a state-financed constructor must conduct a SLIP study and
73 may require that a professional engineer sign off on the study.
74 The rule must be effective 1 year after the date it is finalized
75 and applies only to projects not yet commenced as of the date
76 the rule is finalized. The rule may not apply retroactively to
77 projects that commenced before the date the rule is finalized.
78 At a minimum, the standard must require that a state-financed
79 constructor do all of the following:

80 (a) Use a systematic, interdisciplinary, and scientifically
81 accepted approach in the natural sciences and construction
82 design in conducting the study.

83 (b) Assess the flooding, inundation, and wave action damage
84 risks relating to the potentially at-risk ~~coastal~~ structure or
85 infrastructure over its expected life or 50 years, whichever is
86 less.

87 1. The assessment must take into account potential relative

39-01307B-22

20221434__

88 local sea-level rise and increased storm risk during the
89 expected life of the potentially at-risk ~~coastal~~ structure or
90 infrastructure or 50 years, whichever is less, and, to the
91 extent possible, account for the contribution of sea-level rise
92 versus land subsidence to the relative local sea-level rise.

93 2. The assessment must provide scientific and engineering
94 evidence of the risk to the potentially at-risk ~~coastal~~
95 structure or infrastructure and methods used to mitigate, adapt
96 to, or reduce this risk.

97 3. The assessment must use and consider available
98 scientific research and generally accepted industry practices.

99 4. The assessment must provide an estimated probability of
100 significant ~~the mean average annual chance of substantial~~ flood
101 damage to the potentially at-risk structure or infrastructure
102 over the expected life of the ~~coastal~~ structure or
103 infrastructure or 50 years, whichever is less.

104 5. The assessment must analyze potential public safety and
105 environmental impacts resulting from damage to the potentially
106 at-risk ~~coastal~~ structure or infrastructure, including, but not
107 limited to, leakage of pollutants, electrocution and explosion
108 hazards, and hazards resulting from floating or flying
109 structural debris.

110 (c) Provide alternatives for the ~~coastal structure's~~ design
111 and siting of the potentially at-risk structure or
112 infrastructure, and how such alternatives would impact the risks
113 specified in subparagraph (b)5. as well as the risk and cost
114 associated with maintaining, repairing, and constructing the
115 potentially at-risk ~~coastal~~ structure or infrastructure.

116 (d) Provide a list of flood mitigation strategies evaluated

39-01307B-22

20221434__

117 as part of the design of the potentially at-risk structure or
118 infrastructure, and identify the flood mitigation strategies
119 that have been implemented or are being considered as part of
120 the potentially at-risk structure or infrastructure design.

121

122 If multiple potentially at-risk ~~coastal~~ structures or
123 infrastructure are to be built concurrently within one project,
124 a state-financed constructor may conduct and submit one SLIP
125 study for the entire project for publication by the department.

126 (4) If a state-financed constructor commences construction
127 of a potentially at-risk ~~coastal~~ structure or infrastructure but
128 has not complied with the SLIP study requirement under
129 subsection (2), the department may institute a civil action in a
130 court of competent jurisdiction to:

131 (a) Seek injunctive relief to cease further construction of
132 the potentially at-risk ~~coastal~~ structure or infrastructure or
133 to enforce compliance with this section or with rules adopted by
134 the department pursuant to this section.

135 (b) If the potentially at-risk ~~coastal~~ structure or
136 infrastructure has been completed or has been substantially
137 completed, seek recovery of all or a portion of state funds
138 expended on the potentially at-risk ~~coastal~~ structure or
139 infrastructure.

140 (5) This section does not ~~may not be construed to~~ create a
141 cause of action for damages or otherwise authorize the
142 imposition of penalties by a public entity for failure to
143 implement what is contained in the SLIP study.

144 (6) The department:

145 (a) Shall publish and maintain a copy of each SLIP study

39-01307B-22

20221434__

146 ~~all SLIP studies~~ submitted pursuant to this section on its
147 website for at least 10 years after the date the department
148 receives the study receipt. However, any portion of a study
149 containing information that is exempt from s. 119.07(1) and s.
150 24(a), Art. I of the State Constitution must be redacted by the
151 department before publication.

152 (b) Shall adopt rules as necessary to administer this
153 section.

154 (7) The department may enforce the requirements of this
155 section.

156 Section 2. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1556

INTRODUCER: Environment and Natural Resources Committee and Senator Gruters

SUBJECT: Golf Course Best Management Practices Certification

DATE: January 24, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	Fav/CS
2.			AEG	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1556 provides for golf course best management practices (BMPs) certification. The bill directs the Department of Environmental Protection (DEP) to work with the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences to administer a golf course BMPs certification to ensure compliance with fertilizer BMPs.

The bill requires DEP to provide training and testing certification programs. The bill requires an applicant for certification to submit a copy of the training certificate. Recertification is available when the certificate expires, for which the bill requires eight classroom hours of continuing education.

The bill exempts a person certified in golf course BMPs from additional local testing and local ordinances relating to water and fertilizer use restrictions, unless a state of emergency is declared.

The bill directs DEP to adopt rules to implement golf course BMPs certification.

II. Present Situation:

Water Quality and Nutrients

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life.¹ The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems.²

Phosphorus and nitrogen are derived from natural and human-made sources.³ Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.⁴

Excessive nutrient loads may result in harmful algal blooms, nuisance aquatic weeds, and the alteration of the natural community of plants and animals.⁵ Dense, harmful algal blooms can also cause human health problems, fish kills, problems for water treatment plants, and impairment of the aesthetics and taste of waters. Growth of nuisance aquatic weeds tends to increase in nutrient-enriched waters, which can impact recreational activities.⁶

Best Management Practices

Best management practices (BMPs) are designed to protect water resources from nonpoint source pollution,⁷ occurring from operations like agriculture, golf courses, forestry, and stormwater management.⁸ Best management practices are practical measures that can reduce the effects of fertilizer, nutrients, and water use on the environment and otherwise manage the landscape to further protect water resources.⁹

Producers of nonpoint source pollution included in a basin management action plan (BMAP)¹⁰ must comply with the established pollutant reductions by either implementing the appropriate

¹ U.S. Environmental Protection Agency, *The Issue*, <https://www.epa.gov/nutrientpollution/issue> (last visited Jan. 19, 2022).

² *Id.*

³ *Id.*

⁴ U.S. Environmental Protection Agency (EPA), *Sources and Solutions*, <https://www.epa.gov/nutrientpollution/sources-and-solutions> (last visited Jan. 19, 2022).

⁵ EPA, *The Issue*, <https://www.epa.gov/nutrientpollution/issue> (last visited Jan. 19, 2022).

⁶ *Id.*

⁷ Point sources are “any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged.” Nonpoint sources are not point sources. Fla. Admin. Code R. 62-620.200(37).

⁸ University of Florida Institute of Food and Agricultural Sciences (UF/IFAS), *Best Management Practices*, <https://hort.ifas.ufl.edu/yourfloridalawn/bmps.shtml> (last visited Jan. 20, 2022); DEP, *NPDES Stormwater Program*, <https://floridadep.gov/Water/Stormwater> (last visited Jan. 19, 2022).

⁹ UF/IFAS, *Agricultural Best Management Practices*, <https://bmp.ifas.ufl.edu/about-bmps/> (last visited Jan. 20, 2022).

¹⁰ BMAPs are one of the primary mechanisms the Department of Environmental Protection (DEP) uses to address the entire pollution load for a watershed, including point and nonpoint discharges. Section 403.067(7), F.S.

BMPs or by conducting water quality monitoring.¹¹ A nonpoint source discharger may be subject to enforcement action by the Department of Environmental Protection (DEP) or a water management district based on a failure to implement these requirements.¹²

Golf Course BMPs for Fertilizer Application

The Florida golf course industry is the largest of any state.¹³ As of 2019, there were 1,306 golf courses and 986 golf facilities in Florida.¹⁴ Site placement and management of golf courses can create environmental harms, but BMPs can help mitigate harms or provide environmental benefits.¹⁵

Golf course BMPs attempt to curb excessive and unnecessary fertilization to prevent water pollution due to nutrient runoff or leaching from saturated or compacted soils.¹⁶ BMPs for nutrient applications focus on maximizing plant uptake and include suggestions to:

- Follow University of Florida Institute of Food and Agricultural Sciences nitrogen (N) application rates;
- Apply nutrients when turfgrass is actively growing;
- Apply slow-release N fertilizers at the appropriate time of year, taking into consideration the release rate of the chosen material;
- Take into account that putting greens, tees, and landing areas require more nutrition than other areas like fairways and roughs;
- Exercise caution when applying nutrients during turfgrass establishment, because they are more susceptible to leaching and runoff at that time;
- During establishment, use appropriate rates and products to minimize N loss due to increased water applications, increased nutrients rates, and reduced root mass;
- Be aware of the pros and cons of different nutrient spreaders;
- Calibrate the chosen nutrient spreader properly;
- Properly store, load, and clean up fertilizer to reduce environmental risk;
- Avoid applying fertilizer to soils that are at or near saturation, or when the National Weather Service has issued a flood, tropical storm, or hurricane warning, or if heavy rains are forecast in the next 24 hours;
- When using fertigation,¹⁷ ensure that irrigation heads are properly aligned and adjusted to ensure no nutrient-loaded irrigation water is being applied to lakes and wetlands.¹⁸

Golf course BMPs also focus on other areas of landscape management to protect environmental resources, including:

- Planning, design, and construction;

¹¹ Section 403.067(7)(b)2.g., F.S. For example, BMPs for agriculture include activities such as managing irrigation water to minimize losses, limiting the use of fertilizers, and waste management.

¹² Section 403.067(7)(b)2.h., F.S.

¹³ *BMPs for the Enhancement of Env. Quality on FL Golf Courses*, 14 (Sept. 2021), available at <http://flgolfbmp.com/view-the-bmp-guide> (last visited Jan. 19, 2022).

¹⁴ *Id.*

¹⁵ *Id.* at 15.

¹⁶ *Id.* at 144.

¹⁷ Fertigation is fertilizer application through an irrigation system. *Id.* at 152.

¹⁸ *Id.* at 153.

- Irrigation;
- Cultural practices;
- Lake and aquatic management;
- Turf pest and pesticide management;
- Maintenance operations;
- Pollinator protection; and
- Energy conservation.¹⁹

Green Industries BMP Certification

The University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) currently offers the Green Industries BMPs program, which teaches environmentally safe landscaping practices that protect water quality and natural resources.²⁰ The program was created for people working in lawn-care and landscape maintenance. The program includes golf course employees among those who benefit from green industries BMPs training.²¹

Local Government Ordinances Relating to Golf Courses BMPs

Local governments often require fertilizer on golf courses to be used in accordance with the *Best Management Practices for the Enhancement of Environmental Quality on Florida Golf Courses*; or they may provide fertilizer restrictions exemptions for golf courses that follow golf course BMPs.²² Local governments may also regulate fertilizer use in addition to requiring or encouraging golf course BMPs.²³

In addition to fertilizer, local government may also require or encourage golf course irrigation practices to align with golf course BMPs.²⁴ Local governments may also regulate water use separately from golf course BMPs.²⁵

III. Effect of Proposed Changes:

Section 1 creates s. 403.9339, F.S., relating to golf course best management practices (BMPs) certification. The bill requires the Department of Environmental Protection (DEP) to work with the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences to administer a certification for golf course BMPs as a means of documenting and ensuring compliance with BMPs for fertilizer application to golf courses.

¹⁹ *Id.* at 3-4.

²⁰ UF/IFAS, *Green Industries BMPs*, <https://gibmp.ifas.ufl.edu/> (last visited Jan. 20, 2022); UF/IFAS, *FL Friendly Landscaping Program*, <https://ffl.ifas.ufl.edu/ffl-and-you/gi-bmp-program/> (last visited Jan. 20, 2022).

²¹ *Id.*

²² *See, e.g.*, Boca Raton Ord. No. 17-265 (fertilizer content and application rates), Alachua County Ord. No. 77-12 (groundwater protection), Collier County Ord. No. 54-33 (exemptions), and Jacksonville Ord. No. 366-610 (exemptions).

²³ *See, e.g.*, Miami-Dade Ord. No. 18C-8 (requirements related to golf courses, athletic fields, specialized turf, and parks); and Palm Beach County Ord. Nos. 11-407 (fertilizer free zones), 11-408 (fertilizer content and application rates), and 11-409 (fertilizer application practices).

²⁴ *See, e.g.*, Miami-Dade Ord. No. 18C-8 (requirements related to golf courses, athletic fields, specialized turf, and parks) and Alachua County Ord. No. 77-64 (exemptions),

²⁵ *See, e.g.*, Palm Beach County Ord. No. 27-180 (approved uses of reclaimed water) and Boca Raton Ord. No. 17-57 (landscape irrigation restrictions)

The bill requires DEP to:

- Provide training and testing programs in golf course BMPs and may issue certificates demonstrating satisfactory completion of the training.
- Approve training and testing programs in golf course BMPs in the future that are equivalent to or more comprehensive than the original training and testing programs. The programs must be reviewed and reapproved by DEP if significant changes are made.

The bill requires an applicant to submit a copy of the training certificate to DEP to obtain a golf course BMPs certification.

The bill provides that a golf course BMPs certification expires four years after the date of issuance. Upon expiration or after a grace period of not more than 30 days after the expiration date, a recertification may be reissued. The bill specifies that before applying for recertification, an applicant must complete eight classroom hours of acceptable continuing education, including at least two hours addressing fertilizer BMPs. The bill requires an applicant to submit proof of completion of the eight classroom hours of continuing education to DEP to obtain golf course BMPs recertification.

The bill provides that a person certified in golf course BMPs is exempt from:

- Additional local testing; and
- Local ordinances relating to water and fertilizer use blackout periods or restrictions, unless a state of emergency is declared.

The bill provides that DEP may provide the certification status of persons certified in golf course BMPs to local and state governmental entities. The bill encourages DEP to create a registry of persons certified in golf course BMPs.

The bill directs DEP to adopt rules to administer this section.

Section 2 provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DEP may incur costs in administering training and testing certification programs and continuing education in golf course best management practices.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 403.9339 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Environment and Natural Resources on January 24, 2022:

Removes the golf course best management practices certification and recertification fees.

B. Amendments:

None.



374248

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2022	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 45 - 66
and insert:
certification, an applicant must submit to the department a copy of the training certificate issued by the department under subsection (2).
(4) (a) A golf course best management practices certification issued under this section expires 4 years after the date of issuance. Upon expiration of the certification, or



374248

11 after a grace period of not more than 30 days after the
12 expiration date, a recertification may be issued.

13 (b) Before applying for recertification, an applicant must
14 complete 8 classroom hours of acceptable continuing education,
15 of which at least 2 hours must address fertilizer best
16 management practices.

17 (5) To obtain a golf course best management practices
18 recertification, an applicant must submit to the department
19 proof of having completed the 8 classroom hours of continuing
20 education pursuant to subsection (4).

By Senator Gruters

23-01142-22

20221556__

1 A bill to be entitled
2 An act relating to golf course best management
3 practices certification; creating s. 403.9339, F.S.;
4 directing the Department of Environmental Protection
5 to work and cooperate with the turfgrass science
6 program at the University of Florida Institute of Food
7 and Agricultural Sciences to administer a
8 certification for golf course best management
9 practices and provide and approve certification
10 training and testing programs; providing certification
11 and recertification requirements; providing that such
12 certification exempts persons from certain local
13 testing and local ordinance regulations; providing an
14 exception; authorizing the department to share
15 certification information with local and state
16 governmental entities; encouraging the department to
17 create an online certification registry; directing the
18 department to adopt rules; providing an effective
19 date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 403.9339, Florida Statutes, is created
24 to read:

25 403.9339 Golf course best management practices
26 certification.—

27 (1) To provide a means of documenting and ensuring
28 compliance with best management practices for fertilizer
29 application to golf courses, the department shall work with the

23-01142-22

20221556__

30 turfgrass science program at the University of Florida Institute
31 of Food and Agricultural Sciences to administer a certification
32 for golf course best management practices.

33 (2) The department, in cooperation with the turfgrass
34 science program at the University of Florida Institute of Food
35 and Agricultural Sciences, shall:

36 (a) Provide training and testing programs in golf course
37 best management practices and may issue certificates
38 demonstrating satisfactory completion of the training.

39 (b) Approve training and testing programs in golf course
40 best management practices that are equivalent to or more
41 comprehensive than the programs provided by the department under
42 paragraph (a). Such programs must be reviewed and reapproved by
43 the department if significant changes are made.

44 (3) To obtain a golf course best management practices
45 certification, an applicant must submit to the department:

46 (a) A copy of the training certificate issued by the
47 department under subsection (2).

48 (b) A certification fee of at least \$50 but not more than
49 \$100. Until the fee is set by department rule, the fee for
50 certification is \$50.

51 (4) (a) A golf course best management practices
52 certification issued under this section expires 4 years after
53 the date of issuance. Upon expiration of the certification, or
54 after a grace period of not more than 30 days after the
55 expiration date, a recertification may be issued.

56 (b) Before applying for recertification, an applicant must
57 complete 8 classroom hours of acceptable continuing education,
58 of which at least 2 hours must address fertilizer best

23-01142-22

20221556__

59 management practices.

60 (5) To obtain a golf course best management practices
61 recertification, an applicant must submit to the department:

62 (a) Proof of having completed the 8 classroom hours of
63 continuing education pursuant to subsection (4).

64 (b) A recertification fee of at least \$50 but not more than
65 \$100. Until the fee is set by department rule, the
66 recertification fee is \$50.

67 (6) A person certified under this section is exempt from:

68 (a) Additional local testing.

69 (b) Local ordinances relating to water and fertilizer use
70 blackout periods or restrictions, unless a state of emergency is
71 declared.

72 (7) (a) The department may provide the certification status
73 of persons certified under this section to local and state
74 governmental entities.

75 (b) The department is encouraged to create a registry of
76 persons certified under this section on its website.

77 (8) The department shall adopt rules to administer this
78 section.

79 Section 2. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1666

INTRODUCER: Senator Polsky

SUBJECT: Discharge and Use of Firefighting Foam

DATE: January 21, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Collazo</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1666 provides that beginning January 1, 2023, a fire service provider may not discharge or otherwise use Class B firefighting foam that contains intentionally added PFAS chemicals unless such discharge or use occurs in fire prevention or in response to an emergency firefighting operation.

The bill does not:

- Restrict the manufacturing, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS chemicals or restrict the discharge or use of Class B firefighting foam in response to fire prevention or an emergency firefighting operation; or
- Prevent the use of nonfluorinated foams, including other Class B firefighting foams, for purposes of firefighter training or testing.

The bill also includes definitions for the terms “Class B firefighting foam,” “PFAS chemicals,” and “testing.”

II. Present Situation:

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

Perfluoroalkyl and Polyfluoroalkyl substances (PFAS) are a group of thousands of man-made compounds developed to provide oil and water repellency, chemical and thermal stability, and friction reduction.¹ Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are the most common and best-studied of these compounds.² PFAS have been widely used since the

¹ Interstate Technology Regulatory Council (ITRC), *History and Use of PFAS*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf (last visited Jan. 14, 2022).

² Florida Dep’t of Health (DOH), *PFAS Chemical Awareness*, available at <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/documents/doh-pfas-poster.pdf> (last visited Jan. 14, 2022).

1950s in many industries, including the aerospace, semiconductor, medical, automotive, construction, electronics, and aviation industries. The compounds have also been used as coatings in a variety of consumer products, such as non-stick cookware, waterproof and stain-resistant fabrics, carpets, furniture, outdoor equipment, cleaning products, food packaging, and firefighting foams.³

While U.S. manufacturers have voluntarily phased out use of the chemicals since the early 2000s, they persist in the environment, particularly at fire colleges, airports, and military installations,⁴ where, in some circumstances, they are still used in firefighting foams.⁵ Although PFOA and PFOS are no longer manufactured in the U.S., they are still produced internationally and can be imported into the U.S. in consumer goods such as carpet, leather and apparel, textiles, paper and packaging, coatings, rubber, and plastics.⁶

PFAS chemicals do not break down in the environment, can move through soil and water, and can accumulate in fish and wildlife.⁷ Because of their prevalent use and ease of transport, they can be found virtually everywhere. The U.S. Centers for Disease Control and Prevention (CDC) has detected PFAS in nearly all persons it has tested, indicating widespread exposure in the U.S. population.⁸ The predominant PFAS human exposure pathways include contact in the workplace, ingestion of food containing PFAS, ingestion of drinking water contaminated with PFAS, and exposure to PFAS from consumer products or indoor dust.⁹ Based on recent studies, health effects from PFAS potentially include increased risk of certain cancers, increased cholesterol levels, liver and kidney damage, impacts on hormones and the immune system, and fetal and infant developmental effects.¹⁰

Some of the challenges to addressing PFAS are that the science surrounding the issue is rapidly evolving, exposure is perceived as involuntary, risk management strategies are ever-changing, and health impacts are greatest for the most sensitive populations.¹¹ Even while the health effects

³ ITRC, *History and Use of PFAS*, 1 (2020), available at https://pfas-1.itrcweb.org/wpcontent/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf (last visited Jan. 14, 2022).

⁴ *Id.* at 4.

⁵ For example, Federal Aviation Authority (FAA) regulations still require the use of aqueous film-forming foam (AFFF). See 14 C.F.R. § 139.317 (2021). However, due to environmental concerns, to satisfy part 139, the FAA is currently recommending against testing AFFF by discharging it and has already approved four alternatives. See Federal Aviation Authority (FAA), *National Part 139 CertAlert No. 21-01*, available at https://www.faa.gov/airports/airport_safety/certalerts/media/part-139-cert-alert-21-01-AFFF.pdf (last visited Jan. 14, 2022).

⁶ ITRC, *History and Use of PFAS*, 1 (2020), available at https://pfas-1.itrcweb.org/wpcontent/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf (last visited Jan. 14, 2022).

⁷ U.S. Centers for Disease Control and Prevention, *Per- and Polyfluorinated Substances (PFAS) Factsheet*, https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html (last visited Jan. 14, 2022).

⁸ *Id.*

⁹ ITRC, *Human and Ecological Health Effects and Risk Assessment of Per- and Polyfluoroalkyl Substances (PFAS)*, 3 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/human_and_eco_health_508_20200918.pdf (last visited Jan. 14, 2022).

¹⁰ DOH, *PFAS Chemical Awareness*, 2, available at <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/documents/doh-pfas-poster.pdf> (last visited Jan. 14, 2022).

¹¹ ITRC, *Risk Communication for Per- and Polyfluoroalkyl Substances (PFAS)*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/pfas_rc_tech_508_2020Aug.pdf (last visited Jan. 14, 2022).

from low-level concentrations of PFAS are not yet fully understood, litigation and public interest is increasing nationally.¹²

Efforts to Address PFAS in Firefighting Foams

PFAS is common in firefighting foams that have been stored and used for fire suppression, fire training, and flammable vapor suppression.¹³ These firefighting agents include Class B fluorine-containing firefighting foams, such as aqueous film-forming foam (AFFF).¹⁴

State Efforts

In Florida, the Department of Environmental Protection (DEP) has assessed each fire training facility in the state to ensure that PFAS-containing firefighting agents are disposed of, and that only firefighting agents that do not have PFAS are being used.¹⁵ Of the 25 active facilities in the state with known or suspected use of AFFF, investigations indicate that 22 facilities had analytical results for PFOA and PFOS above the provisional groundwater Cleanup Target Level (CTL).¹⁶ Where contamination is identified, DEP helps the facility develop a cleanup plan to remove or contain the contamination to prevent future environmental impact and human exposure.¹⁷

Federal Efforts

The U.S. Department of Defense (DOD) funds projects to assess PFAS occurrence, fate and transport, ecotoxicity, and remediation, as well as fluorine-free firefighting foams.¹⁸ In 2019 it formed a national PFAS Task Force and has collaborated with other agencies and entities to address PFAS issues at military installations.¹⁹ The goals of the PFAS Task Force are to mitigate and eliminate the use of the current aqueous film-forming foam (AFFF), fulfill PFAS cleanup responsibilities, understand the impacts of PFAS on human health, and expand PFAS-related public outreach.²⁰

¹² Ralph A. DeMeo & Jorge Caspary, *PFApocalypse Now: The PFAS Firestorm and Implications for Florida*, 94 FLORIDA BAR JOURNAL 3, 46 (May/June 2020), <https://www.floridabar.org/the-florida-bar-journal/pfapocalypse-now-the-pfas-firestorm-and-implications-for-florida/#u7068> (last visited Jan. 14, 2022).

¹³ ITRC, *PFAS*, <https://pfas-1.itrcweb.org/3-firefighting-foams/> (last visited Jan. 14, 2022).

¹⁴ *Id.*

¹⁵ Florida Dep't of Environmental Protection (DEP), *Fire Training Facility Preliminary Site Assessments*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facility-preliminary-site-assessments> (last visited Jan. 14, 2022); DEP, *Per- and Polyfluoroalkyl Substances (PFAS) Dynamic Plan*, 3 (Feb. 2021), available at https://floridadep.gov/sites/default/files/Dynamic_Plan_Revised_Feb2021.pdf (last visited Jan. 14, 2022).

¹⁶ DEP, *Per- and Polyfluoroalkyl Substances (PFAS) Dynamic Plan*, 12 (Feb. 2021), available at https://floridadep.gov/sites/default/files/Dynamic_Plan_Revised_Feb2021.pdf (last visited Jan. 14, 2022).

¹⁷ DEP, *Fire Training Facility Preliminary Site Assessments*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facility-preliminary-site-assessments> (last visited Jan. 14, 2022).

¹⁸ ITRC, *Regulation of Per- and Polyfluoroalkyl Substances (PFAS)*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/regs_508_Aug-2020-Final.pdf (last visited Jan. 14, 2022).

¹⁹ U.S. Department of Defense (DOD), *Memo re: Per- and Polyfluoroalkyl Substances Task Force* (Jul. 2019), available at <https://media.defense.gov/2019/Aug/09/2002169524/-1/-1/1/PER-AND-POLYFLUOROALKYL-SUBSTANCES-TASK-FORCE.PDF> (last visited Jan. 14, 2022).

²⁰ DOD, *DOD's PFAS Public Outreach Focuses on Cleanup Progress, PFAS-Free Firefighting Solutions, Officials Say*, <https://www.defense.gov/News/News-Stories/Article/Article/2818535/dods-pfas-public-outreach-focuses-on-cleanup-progress-pfas-free-firefighting-so/> (last visited Jan. 14, 2022).

The task force has made substantial progress toward understanding the DOD's use of AFFF and researching fluorine-free alternatives to AFFF, although there are challenges.²¹ A viable alternative to AFFF must meet military specifications in terms of the time a fire must be put out and EPA standards for human health and the environment. It must also be usable in existing equipment and it must not degrade over time in storage. Notwithstanding these challenges, DOD officials remain cautiously optimistic that the DOD will find and deploy a PFAS-free alternative by the end of fiscal year 2024.²²

Fire Service Provider

A "fire service provider" means a municipality or county, the state, the Division of State Fire Marshal within the Department of Financial Services, or any political subdivision of the state, including authorities and special districts, that employs firefighters or uses volunteer firefighters to provide fire extinguishment or fire prevention services for the protection of life and property.²³ The term includes any organization under contract or other agreement with such entity to provide such services.

Penalties for Violations of Ch. 633, F.S.

Licenses are required for installers of fire safety and fire suppression equipment.²⁴ Licenses or permits are required for various individuals and organizations servicing, repairing, recharging, testing, marking, inspecting, installing, or hydrotesting fire extinguishers or pre-engineered systems.²⁵ Fire protection system contractors are also required to obtain certificates.²⁶ Licenses or permits may be denied, not renewed, suspended, or revoked for violation of the governing statutes, rules, and regulations or refusal to comply with cease-and-desist orders or correction orders²⁷ and are suspended automatically upon failure to pay an administrative fine.²⁸

Moreover, any person who violates any provision of chapter 633, F.S., any order or rule of the State Fire Marshal, or any order to cease and desist or to correct conditions issued under chapter 633, F.S., commits a second degree misdemeanor²⁹ punishable by a term of imprisonment not exceeding 60 days³⁰ or a \$500 fine.³¹ And any person who violates any part of chapter 633, F.S., or any rule, decision, order, direction, demand, or requirement of the State Fire Marshal, may be enjoined by the courts of the state from any such violation at the request of the State Fire Marshal, or any resident or taxpayer of the state.³²

²¹ *See id.*

²² *Id.*

²³ Section 633.102(13), F.S.

²⁴ Section 633.306(1)(a), F.S.

²⁵ Section 633.304(1), F.S.

²⁶ Section 633.336, F.S.

²⁷ Sections 633.106 and 633.316(1), F.S.

²⁸ Section 633.106(3), F.S.

²⁹ Section 633.124(1), F.S.

³⁰ Section 775.082(4)(b), F.S.

³¹ Section 775.083(1)(e), F.S.

³² Section 633.342, F.S.

III. Effect of Proposed Changes:

Section 1 of the bill creates s. 633.3041, F.S., regulating firefighting foam.

The bill includes the following definitions:

- “Class B firefighting foam” means any foam designed to extinguish flammable liquid fires.
- “PFAS chemicals” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, including perfluoroalkyl and polyfluoroalkyl substances, designed to be fully functional in Class B firefighting foam formulations.
- “Testing” means calibration, conformance, or fixed system testing.

The bill provides that beginning January 1, 2023, a fire service provider may not discharge or otherwise use Class B firefighting foam that contains intentionally added PFAS chemicals unless such discharge or use occurs in fire prevention or in response to an emergency firefighting operation.

The bill also provides that it does not:

- Restrict the manufacturing, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS chemicals or restrict the discharge or use of Class B firefighting foam in response to fire prevention or an emergency firefighting operation; or
- Prevent the use of nonfluorinated foams, including other Class B firefighting foams, for purposes of firefighter training or testing.

Section 2 of the bill provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Businesses that manufacture, sell, or distribute Class B firefighting foam containing intentionally added PFAS chemicals will likely experience reduced demand for such products. However, these same businesses may also experience increased demand for foam not containing PFAS chemicals.

C. Government Sector Impact:

Fire service providers will need to obtain acceptable Class B firefighting foam not containing PFAS and, effective January 1, 2023, begin using it for firefighter training and testing. There may be some additional cost to fire service providers associated with these efforts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 633.3041 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Polsky

29-01345-22

20221666__

1 A bill to be entitled
2 An act relating to discharge and use of firefighting
3 foam; creating s. 633.3041, F.S.; providing
4 definitions; prohibiting fire service providers from
5 discharging or using Class B firefighting foam that
6 contains intentionally added PFAS chemicals, beginning
7 on a specified date; providing an exception; providing
8 construction; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 633.3041, Florida Statutes, is created
13 to read:

14 633.3041 Firefighting foam.-

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

16 (a) "Class B firefighting foam" means any foam designed to
17 extinguish flammable liquid fires.

18 (b) "PFAS chemicals" means a class of fluorinated organic
19 chemicals containing at least one fully fluorinated carbon atom,
20 including perfluoroalkyl and polyfluoroalkyl substances,
21 designed to be fully functional in Class B firefighting foam
22 formulations.

23 (c) "Testing" means calibration, conformance, or fixed
24 system testing.

25 (2) Beginning January 1, 2023, a fire service provider may
26 not discharge or otherwise use Class B firefighting foam that
27 contains intentionally added PFAS chemicals unless such
28 discharge or use occurs in fire prevention or in response to an
29 emergency firefighting operation.

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30 (3) This section does not:

31 (a) Restrict the manufacturing, sale, or distribution of
32 Class B firefighting foam that contains intentionally added PFAS
33 chemicals or restrict the discharge or use of Class B
34 firefighting foam in response to fire prevention or an emergency
35 firefighting operation.

36 (b) Prevent the use of nonfluorinated foams, including
37 other Class B firefighting foams, for purposes of firefighter
38 training or testing.

39 Section 2. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1418

INTRODUCER: Senator Albritton

SUBJECT: Soil and Groundwater Contamination

DATE: January 21, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Collazo	Rogers	EN	Pre-meeting
2.			AEG	
3.			AP	

I. Summary:

SB 1418 does the following:

- Requires the Department of Environmental Protection (DEP) to adopt by rule statewide cleanup target levels (CTLs) for perfluoroalkyl and polyfluoroalkyl substances (PFAS) in soils and groundwater, which do not take effect until ratified by the Legislature.
- Provides a limitation of liability, until DEP’s rules have been ratified for a particular PFAS constituent, from actions brought by local or state government entities to compel or enjoin site rehabilitation, require payment of site rehabilitation costs, or require payment of fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent.
- Tolls any statute of limitations that would bar a state or local government entity from pursuing relief under its existing authority, from the effective date of the act until site rehabilitation is complete or the Legislature ratifies the CTLs.
- Requires the Office of Program Policy Analysis and Government Accountability to conduct an analysis of programs in other states for the assessment and cleanup of soils and groundwater contamination, and submit a report of its findings and recommendations to the Governor and Legislature by January 1, 2023.

II. Present Situation:

Cleanup Target Levels

A cleanup target level (CTL) is the concentration for each contaminant identified by an applicable analytical test method, in the medium of concern, at which a site rehabilitation program is deemed complete.¹ The Department of Environmental Protection (DEP) establishes

¹ Section 376.301(8), F.S.

by rule CTLs for specific contaminants.² These CTLs apply to requirements for site rehabilitation across numerous programs.

Risk-Based Corrective Action

Risk-Based Corrective Action (RBCA) is a decision-making process that combines site assessments and responses to chemical releases with human health and environmental risk assessments to determine the need for remedial action and tailor corrective actions to site-specific conditions and risks, which can vary greatly.³

In Florida, prior to 2003, RBCA was only used under specific DEP programs such as the brownfields or petroleum programs, and contamination at a site was typically remediated to the default CTLs contained in ch. 62-777 of the Florida Administrative Code.⁴ This meant there was little flexibility for site-specific remediation strategies.⁵

In 2003, the Legislature created s. 376.30701, F.S., to establish a “global RBCA” process.⁶ The original goal was a flexible site-specific cleanup process reflecting the intended use of the property following cleanup, while maintaining adequate protection of human health, safety, and the environment through the evaluation of contamination toxicity and exposure pathways.⁷ Section 376.30701, F.S., applies to all contaminated sites resulting from a discharge of pollutants or hazardous substances where legal responsibility for site rehabilitation exists, except for those contaminated sites subjected to the risk-based corrective action cleanup criteria established for the petroleum, brownfields, and drycleaning programs pursuant to ss. 376.3071, 376.81, and 376.3078, F.S., respectively.⁸

The statute requires DEP to establish by rule criteria for determining on a site-specific basis the tasks comprising a site rehabilitation program and the level at which a task and a program may be deemed completed.⁹ Section 376.30701, F.S., contains requirements for determining or establishing appropriate CTLs for groundwater and soil using RBCA principles.¹⁰

² See generally Fla. Admin. Code Ch. 62-777.

³ Dep’t of Environmental Protection (DEP), *Contaminated Soils Forum -- Policy Group, Waste Cleanup Focus Group, Issues paper-- “Universal” Applicability of Risk-Based Correction Action at Florida Waste Cleanup Sites*, 2 (1998), available at <https://floridadep.gov/sites/default/files/Universal-applicability-of-risk-based-corrective-action.pdf> (last visited Jan. 18, 2022).

⁴ Ralph DeMeo et al., *Risk-Based Corrective Action in Florida: How is it Working?*, 89 FLORIDA BAR JOURNAL 1, 47 (Jan. 2015), <https://www.floridabar.org/the-florida-bar-journal/risk-based-corrective-action-in-florida-how-is-it-working/> (last visited Jan. 18, 2022).

⁵ *Id.*

⁶ See ch. 2003-173, s. 1, Laws of Fla.

⁷ Ralph DeMeo et al., *Risk-Based Corrective Action in Florida: How is it Working?*, 89 FLORIDA BAR JOURNAL 1, 47 (Jan. 2015), <https://www.floridabar.org/the-florida-bar-journal/risk-based-corrective-action-in-florida-how-is-it-working/> (last visited Jan. 18, 2022).

⁸ Section 376.30701(1)(b), F.S.

⁹ Section 376.30701(2), F.S.

¹⁰ *Id.*

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) are a group of thousands of man-made compounds developed to provide oil and water repellency, chemical and thermal stability, and friction reduction.¹¹ Perfluorooctane sulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) are the most common and the best-studied of these compounds.¹² PFAS were widely used since the 1950s, with applications in many industries, including the aerospace, semiconductor, medical, automotive, construction, electronics, and aviation industries, as well as in consumer products (e.g., carpets, clothing, furniture, outdoor equipment, food packaging) and firefighting applications.¹³ While U.S. manufacturers have voluntarily phased out use of the chemicals,¹⁴ they persist in the environment, particularly at fire colleges, airports, and military installations.¹⁵ Although PFOA and PFOS are no longer manufactured in the U.S., they are still produced internationally and can be imported into the U.S. in consumer goods such as carpet, leather and apparel, textiles, paper and packaging, coatings, rubber, and plastics.¹⁶

PFAS chemicals do not break down in the environment, can move through soil and water, and can accumulate in fish and wildlife.¹⁷ Because of the widespread use and ease of transport, they can be found virtually everywhere. The Centers for Disease Control and Prevention has detected PFAS in nearly all persons it has tested, indicating widespread exposure in the U.S. population.¹⁸ Based on recent studies, health effects from PFAS potentially include increased risk of certain cancers, increased cholesterol levels, impacts on hormones and the immune system, and fetal and infant developmental effects.¹⁹

¹¹ Interstate Technology Regulatory Council (ITRC), *History and Use of PFAS*, 1 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf (last visited Jan. 18, 2022).

¹² Dep't of Health (DOH), *PFAS Chemical Awareness*, <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/documents/doh-pfas-poster.pdf> (last visited Jan. 18, 2022).

¹³ ITRC, *History and Use of PFAS*, 1, 8 (2020), available at https://pfas-1.itrcweb.org/wp-content/uploads/2020/10/history_and_use_508_2020Aug_Final.pdf (last visited Jan. 18, 2022).

¹⁴ DEP, *PFAS Update, Presentation to the Florida Senate Committee on Environment and Natural Resources*, 18:00 (Dec. 9, 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/> (last visited Jan. 18, 2022). In the U.S., PFOS was phased out of production around 2002, and PFOA was phased out around 2015.

¹⁵ U.S. Environmental Protection Agency (EPA), *PFAS Explained*, <https://www.epa.gov/pfas/pfas-explained> (last visited Jan. 18, 2022); EPA, *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas> (last visited Jan. 18, 2022).

¹⁶ *Id.*; see also DEP, *PFAS Update, Presentation to the Florida Senate Committee on Environment and Natural Resources*, 18:00 (Dec. 9, 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/> (last visited Jan. 18, 2022).

¹⁷ Centers for Disease Control and Prevention, *Per- and Polyfluorinated Substances (PFAS) Factsheet*, https://www.cdc.gov/biomonitoring/PFAS_FactSheet.html (last visited Jan. 18, 2022).

¹⁸ *Id.*

¹⁹ DOH, *PFAS Chemical Awareness*, 2, <http://www.floridahealth.gov/environmental-health/hazardous-waste-sites/contaminant-facts/documents/doh-pfas-poster.pdf> (last visited Jan. 18, 2022).

While the health effects from low-level concentrations of PFAS are not yet fully understood, litigation and public interest is increasing nation-wide.²⁰ In Florida, generally, issues exist regarding liability for cleanup and third-party liability.²¹

The U.S. Environmental Protection Agency (EPA) prioritizes research and data collection for new chemicals that are being discovered in water that previously had not been detected or are being detected at levels that may be different than expected.²² These are called “contaminants of emerging concern” (CEC). While CECs do not have regulatory limits, there may be a long-term potential risk to human health or the environment associated with them. As part of EPA’s data collection on CECs, all large and selected smaller public water systems across the U.S. are required to monitor for CECs.²³ Once EPA’s study and evaluation is complete, if EPA decides not to regulate a CEC, then it may decide to develop a health advisory level (HAL) for the detected contaminants. While HALs are non-enforceable federal limits, they serve as technical guidance for federal, state, and local officials.²⁴ For drinking water, the EPA has established a HAL of 70 parts per trillion for PFOA and PFOS.²⁵ The Department of Health (DOH) has adopted the same HAL for those compounds.²⁶

DEP has established provisional CTLs for PFAS to enable site cleanup under DEP’s contaminated site cleanup criteria.²⁷ DEP has created numerical provisional CTLs and screening levels for PFOS and PFOA in the following categories: Provisional Groundwater CTLs, Provisional Soil CTLs, Provisional Irrigation Water Screening Levels, and Surface Water Screening Levels.²⁸ These provisional standards are designed to protect human health, and the provisional groundwater CTLs are the same as the EPA’s HAL for drinking water.

PFAS is common in firefighting foams that have been stored and used for fire suppression, fire training, and flammable vapor suppression.²⁹ These firefighting agents include Class B fluorine-containing firefighting foams, such as aqueous film-forming foam (AFFF).³⁰ PFAS are so prevalent in firefighting agents that at least nine states have passed legislation to restrict or

²⁰ Ralph A. DeMeo & Jorge Caspary, *PFApocalypse Now: The PFAS Firestorm and Implications for Florida*, 94 FLORIDA BAR JOURNAL 3, 46 (May/June 2020), <https://www.floridabar.org/the-florida-bar-journal/pfapocalypse-now-the-pfas-firestorm-and-implications-for-florida/#u7068> (last visited Jan. 18, 2022).

²¹ *Id.*

²² DEP, *Regulated Drinking Water Contaminants and Contaminants of Emerging Concern*, <https://floridadep.gov/comm/press-office/content/regulated-drinking-water-contaminants-and-contaminants-emerging-concern> (last visited Jan. 18, 2022).

²³ *Id.*

²⁴ EPA, *How EPA Regulates Drinking Water Contaminants*, <https://www.epa.gov/dwregdev/how-epa-regulates-drinking-water-contaminants> (last visited Jan. 18, 2022).

²⁵ EPA, *Drinking Water Health Advisories for PFOA and PFOS*, <https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos> (last visited Jan. 18, 2022).

²⁶ DOH, *Maximum Contaminant Levels and Health Advisory Levels*, 5 (2016) available at <http://www.floridahealth.gov/environmental-health/drinking-water/documents/hal-list.pdf> (last visited Jan. 18, 2022).

²⁷ DEP, *PFAS Update, Presentation to the Florida Senate Committee on Environment and Natural Resources*, 25:00 (Dec. 9, 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/> (last visited Jan. 18, 2022); see Fla. Admin. Code Ch. 62-780.

²⁸ DEP, *Per- and Polyfluoroalkyl Substances (PFAS) Dynamic Plan*, 9-10 (Feb. 2021), available at https://floridadep.gov/sites/default/files/Dynamic_Plan_Revised_Feb2021.pdf (last visited Jan. 18, 2022).

²⁹ ITRC, *PFAS*, <https://pfas-1.itrcweb.org/3-firefighting-foams/> (last visited Jan. 18, 2022).

³⁰ *Id.*

prohibit the use of PFAS in firefighting agents or activities.³¹ In Florida, DEP has already assessed each fire training facility in the state to ensure that PFAS-containing firefighting agents are disposed of and that only firefighting agents that do not have PFAS are being used.³² Of the 25 active facilities in the state with known or suspected use of AFFF, investigations indicate that 22 of the 25 had analytical results for PFOA and PFOS above the provisional groundwater CTL.³³ Where contamination is identified, DEP will help the facility develop a cleanup plan to remove or contain the contamination to prevent future environmental impact and human exposure.³⁴

In February of 2021, DEP published the current version of its PFAS Dynamic Plan.³⁵ The Dynamic Plan establishes a comprehensive path forward with the understanding that it may be necessary to change the approach as the science associated with these emerging contaminants continues to develop.³⁶ The plan describes the current screening and provisional CTLs, and summarizes data and lessons learned from prior and ongoing investigations. The plan states that future investigations will be based on potential risk and will include a continued coordinated response with DOH to quickly evaluate and address any impacts to drinking water resources.³⁷

Office of Program Policy Analysis and Government Accountability (OPPAGA)

The Office of Program Policy Analysis and Government Accountability (OPPAGA) was created by the Legislature in 1994.³⁸ OPPAGA describes itself as the “research arm of the Florida Legislature.”³⁹ OPPAGA provides data, evaluative research, and objective analyses to assist legislative budget and policy deliberations. OPPAGA conducts research as directed by state law, the presiding officers, or the Joint Legislative Auditing Committee.⁴⁰ OPPAGA’s research services include:

- Performance evaluations and policy reviews of government programs;
- Research and technical assistance to legislators and legislative committees;
- Government Program Summaries (GPS), an electronic encyclopedia containing descriptive and evaluative information on all major state programs; and

³¹ National Law Review, *Expert Focus: US States Outpace EPA on PFAS Firefighting Foam Laws*, <https://www.natlawreview.com/article/expert-focus-us-states-outpace-epa-pfas-firefighting-foam-laws> (last visited Jan. 18, 2022); The New York State Senate, *Senate Bill S439A*, <https://www.nysenate.gov/legislation/bills/2019/S439> (last visited Jan. 18, 2022).

³² DEP, *PFAS Update, Presentation to the Florida Senate Committee on Environment and Natural Resources*, 36:00 (Dec. 9, 2019), available at <https://thefloridachannel.org/videos/12-9-19-senate-committee-on-environment-and-natural-resources/> (last visited Jan. 18, 2022).

³³ DEP, *Per- and Polyfluoroalkyl Substances (PFAS) Dynamic Plan*, 12 (Feb. 2021), available at https://floridadep.gov/sites/default/files/Dynamic_Plan_Revised_Feb2021.pdf (last visited Jan. 18, 2022).

³⁴ DEP, *Fire Training Facility Preliminary Site Assessments*, <https://floridadep.gov/waste/waste-cleanup/content/fire-training-facility-preliminary-site-assessments> (last visited Jan. 18, 2022).

³⁵ See DEP, *Per- and Polyfluoroalkyl Substances (PFAS) Dynamic Plan* (Feb. 2021), available at https://floridadep.gov/sites/default/files/Dynamic_Plan_Revised_Feb2021.pdf (last visited Jan. 18, 2022).

³⁶ *Id.* at 3.

³⁷ *Id.*

³⁸ Ch. 94-249, Laws of Fla.

³⁹ Office of Program Policy Analysis and Government Accountability (OPPAGA), *About OPPAGA*, <https://oppaga.fl.gov/About> (last visited Jan. 18, 2022).

⁴⁰ *Id.*

- Policy Notes, a weekly electronic newsletter of policy research of interest to Florida policymakers.⁴¹

III. Effect of Proposed Changes:

Section 1 creates s. 376.91, F.S., entitled “Statewide cleanup of perfluoroalkyl and polyfluoroalkyl substances.”

The bill contains a definitions section, defining two terms as they are used in s. 376.91, F.S.:

- “Department” is defined as “the Department of Environmental Protection.”
- “PFAS” is defined as “perfluoroalkyl and polyfluoroalkyl substances, including perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).”

The bill requires the Department of Environmental Protection (DEP) to adopt by rule statewide cleanup target levels for PFAS in soils and groundwater. These cleanup target levels must be developed using the criteria set forth in s. 376.30701, F.S., which establishes a process for risk-based corrective action, and priority must be given to PFOA and PFOS. The bill prohibits these cleanup target levels from taking effect until ratified by the Legislature.

The bill provides that, until DEP’s rule for a particular PFAS constituent has been ratified by the Legislature, a person may not be subject to any administrative or judicial action brought by or on behalf of any state or local governmental entity to compel or enjoin site rehabilitation, to require payment for the costs of rehabilitation of environmental contamination, or to require payment of any fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent. The bill tolls any statute of limitations that would bar a state or local government entity from pursuing relief in accordance with its existing authority, from the effective date of the bill until site rehabilitation is completed or cleanup target levels are ratified by the Legislature. The bill states that it does not affect the ability or authority to seek contribution from any person who may have liability with respect to a contaminated site and who did not receive the liability protection provided by the bill.

Section 2 requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an analysis of programs in other states for the assessment and cleanup of soil and groundwater contamination. The assessment must include programs for brownfields, petroleum, drycleaning solvents, and other chemical contamination. Based on this analysis, OPPAGA must recommend any changes to Florida’s current programs that would improve the state’s ability to effectively address environmental contamination assessment and cleanup, including the efficacy of consolidating the state’s programs into a single remediation program.

The analysis must include, at a minimum:

- Funding mechanisms and sources of funding.
- Funding eligibility requirements.
- Current levels of funding.

⁴¹ *Id.*

- An evaluation of best practices for successful cleanup programs and single remediation programs in other states and how such practices and programs address the needs of investigation and remediation stakeholders.
- A comparison of best practices for successful cleanup programs and single remediation programs in other states and cleanup and remediation programs in this state.

The bill requires OPPAGA to submit a report of its findings and any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023.

Section 3 directs the Division of Law Revision to replace the phrase “the effective date of this act” wherever it occurs in the bill with the date the bill becomes a law.

Section 4 states that the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill’s liability protections against state and local government actions regarding site rehabilitation for PFAS constituents may have an indeterminate, positive fiscal impact on private entities that receive such liability protections.

C. Government Sector Impact:

The bill may result in increased costs for the Department of Environmental Protection (DEP). The bill requires DEP to adopt by rule cleanup target levels for PFAS in soils and groundwater.

The bill may result in increased costs for the Legislature's Office of Program Policy Analysis and Government Accountability. The bill requires the office to conduct an analysis of programs in other states for the assessment and cleanup of soil and groundwater contamination, and submit a report of its findings and recommendations to the Governor and Legislature by January 1, 2023.

The bill's liability protections against state and local government actions regarding site rehabilitation for PFAS constituents may have an indeterminate, positive fiscal impact on public entities that receive such liability protections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 376.91 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Albritton

26-01563-22

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1 A bill to be entitled
2 An act relating to soil and groundwater contamination;
3 creating s. 376.91, F.S.; defining terms; requiring
4 the Department of Environmental Protection to adopt
5 rules for statewide cleanup target levels for
6 perfluoroalkyl and polyfluoroalkyl substances in soil
7 and groundwater; prohibiting such rules from taking
8 effect until ratified by the Legislature; providing
9 that certain persons are not subject to administrative
10 or judicial action under certain circumstances;
11 providing that certain statutes of limitation are
12 tolled from a specified date; providing construction;
13 requiring the Office of Program Policy Analysis and
14 Government Accountability to conduct a specified
15 analysis of certain assessment and cleanup programs
16 and submit a report to the Governor and the
17 Legislature by a specified date; providing a directive
18 to the Division of Law Revision; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 376.91, Florida Statutes, is created to
24 read:

25 376.91 Statewide cleanup of perfluoroalkyl and
26 polyfluoroalkyl substances.-

27 (1) DEFINITIONS.-As used in this section, the term:

28 (a) "Department" means the Department of Environmental
29 Protection.

26-01563-22

20221418__

30 (b) "PFAS" means perfluoroalkyl and polyfluoroalkyl
31 substances, including perfluorooctanoic acid (PFOA) and
32 perfluorooctane sulfonate (PFOS).

33 (2) STATEWIDE CLEANUP TARGET LEVELS.-

34 (a) The department shall adopt by rule statewide cleanup
35 target levels for PFAS in soils and groundwater using criteria
36 set forth in s. 376.30701, with priority given to PFOA and PFOS.
37 The rules for statewide cleanup target levels may not take
38 effect until ratified by the Legislature.

39 (b) Until the department's rule for a particular PFAS
40 constituent has been ratified by the Legislature, a person may
41 not be subject to any administrative or judicial action brought
42 by or on behalf of any state or local governmental entity to
43 compel or enjoin site rehabilitation, to require payment for the
44 cost of rehabilitation of environmental contamination, or to
45 require payment of any fines or penalties regarding
46 rehabilitation based on the presence of that particular PFAS
47 constituent.

48 (c) Until site rehabilitation is completed or rules for
49 statewide cleanup target levels are ratified by the Legislature,
50 any statute of limitations that would bar a state or local
51 governmental entity from pursuing relief in accordance with its
52 existing authority is tolled from the effective date of this
53 act.

54 (d) This section does not affect the ability or authority
55 to seek contribution from any person who may have liability with
56 respect to a contaminated site and who did not receive
57 protection under paragraph (b).

58 Section 2. (1) The Office of Program Policy Analysis and

26-01563-22

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59 Government Accountability shall conduct an analysis of programs
60 in other states for the assessment and cleanup of soil and
61 groundwater contamination, including programs for brownfields,
62 petroleum, drycleaning solvents, and other chemical
63 contamination. Based on its analysis, the office shall recommend
64 any changes to Florida's current programs that would improve the
65 state's ability to effectively address environmental
66 contamination assessment and cleanup, including the efficacy of
67 consolidating the state's programs into a single remediation
68 program. The analysis must include, at a minimum:

69 (a) Funding mechanisms and sources of funding.

70 (b) Funding eligibility requirements.

71 (c) Current levels of funding.

72 (d) An evaluation of best practices for successful cleanup
73 programs and single remediation programs in other states and how
74 such practices and programs address the needs of investigation
75 and remediation stakeholders.

76 (e) A comparison of best practices for successful cleanup
77 programs and single remediation programs in other states and
78 cleanup and remediation programs in this state.

79 (2) The office shall submit a report of its findings and
80 any recommendations to the Governor, the President of the
81 Senate, and the Speaker of the House of Representatives by
82 January 1, 2023.

83 Section 3. The Division of Law Revision is directed to
84 replace the phrase "the effective date of this act" wherever it
85 occurs in this act with the date this act becomes a law.

86 Section 4. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1816

INTRODUCER: Senator Stewart

SUBJECT: Land Acquisition Trust Fund

DATE: January 21, 2022

REVISED: _____

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

I. Summary:

SB 1816 extends the retirement date of Land Acquisition Trust Fund (LATF) bonds issued to fund the Florida Forever Act. It appropriates \$100 million from the LATF to the Florida Forever Trust Fund. The bill also provides that LATF funds may not be used for costs associated with certain budget entities.

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 land and water conservation and restoration.² 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).³ 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

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

² The Florida Senate, *Water and Land Conservation*, <https://www.flsenate.gov/media/topics/WLC> (last visited Jan. 19, 2022).

³ *Id.*

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.⁴

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

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from documentary stamp taxes; and
- Section 375.041, F.S., to designate the LATF within DEP as the trust fund to serve as the constitutionally mandated depository for the percentage of documentary stamp tax revenues.⁵

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

- First, obligations relating to debt service, specifically:
 - Payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds.
- Then, before funds are authorized to be appropriated for other uses:
 - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan, or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:
 - \$32 million annually through the 2023-2024 fiscal year for the Long-Term Plan;
 - After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 fiscal year for the CERP; and
 - Any remaining funds for Everglades projects under the CERP, the Long-Term Plan, or the NEEPP.
 - A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects;
 - \$5 million annually through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka;

⁴ FLA. CONST. art. X, s. 28(b)(1).

⁵ Ch. 2015-229, ss. 9 and 50, Laws of Fla.

- \$64 million to the Everglades Trust Fund in the 2018-2019 fiscal year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project, and any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 Reservoir Project or projects that implement the CERP, the Long Term Plan, or the NEEPP; and
- \$50 million annually to the South Florida Water Management District for the Lake Okeechobee Watershed Restoration 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

The General Revenue Estimating Conference in August 2021 estimated that for fiscal year 2021-2022 a total of \$3.82 billion would be collected in documentary stamp taxes.⁷ Thirty-three percent of the net revenues collected, or approximately \$1.26 billion, must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution. Of that amount, \$136 million is committed to debt service, leaving \$1.12 billion to be distributed for the uses specified by s. 375.041, F.S., and other purposes in accordance with the General Appropriations Act.⁸

Litigation

In 2015, two lawsuits were filed challenging the constitutionality of appropriations from the LATF and expenditures by state agencies.⁹ The cases were consolidated and a hearing was held in June of 2018.¹⁰ The plaintiffs argued that funds from the LATF were appropriated and expended for general state expenses in ways that were inconsistent with the constitutional language. The circuit court held for the plaintiffs, stating the amendment requires the funds be used for acquiring conservation lands, and for improving, managing, restoring, and enhancing public access to conservation lands acquired after the effective date of the amendment.¹¹ The decision described how the LATF funds may be used, and ruled numerous appropriations from 2015 and 2016 unconstitutional.¹²

The circuit court decision was appealed and the First District Court of Appeal overturned the circuit court ruling, holding that the LATF funds are not restricted to use on land purchased by the state after the constitutional amendment took effect in 2015.¹³ The court also held that the plain language in the Constitution authorizing the use of funds for management, restoration, and enhancement activities would specifically authorize use of the funds on activities beyond land

⁶ Section 375.041(3)-(4), F.S.

⁷ Office of Economic & Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Conference Results* (Aug. 2021), available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited Jan. 19, 2022).

⁸ *Id.*

⁹ *Florida Wildlife Federation, Inc. v. Negron*, No. 2015-CA-001423 (Fla. 2nd Cir. Ct.); *Florida Defenders of the Environment, Inc., v. Detzner*, No. 2015-CA-002682 (Fla. 2nd Cir. Ct.).

¹⁰ *Florida Wildlife Federation, Inc. v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2nd Cir. Ct. June 28, 2018).

¹¹ *Id.* at 3.

¹² *Id.* at 7–8.

¹³ *Oliva v. Florida Wildlife Federation, Inc.*, 1D18-3141 (Fla. 1st Dist. Ct. App.), available at https://www.1dca.org/content/download/619664/opinion/183141_1286_09232019_11211543_i.pdf (last visited Jan. 19, 2021).

acquisition.¹⁴ The case was then remanded to the circuit court to rule on the legality of appropriations made since the enactment of the constitutional amendment.¹⁵

The circuit court dismissed the lawsuit on January 3, 2022, finding that it was moot because the money approved by the Legislature in 2015 had already been spent.¹⁶

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.¹⁷ 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.¹⁸ 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.¹⁹ The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and the Florida Forever programs.²⁰

Under Florida Forever, the issuance of up to \$5.3 billion in Florida Forever bonds is authorized to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements²¹ 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.²²

¹⁴ *Id.* at 9-10.

¹⁵ *Id.* at 11.

¹⁶ *Florida Wildlife Federation, Inc. v. Negron*, Nos. 2015-CA-001423, 2015-CA-002682 (Fla. 2nd Cir. Ct. Jan. 3, 2022), available at <https://www.politico.com/states/fl/?id=0000017e-21d8-d3d7-a37f-afdee5cb0000&source=email> (last visited Jan. 19, 2022).

¹⁷ Chapter 99-247, Laws of Fla.

¹⁸ Department of Environmental Protection (DEP), *Florida Forever Five Year Plan* (2020), 9, available at https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2021Abstract_2.pdf (last visited Jan. 19, 2022).

¹⁹ Section 259.105, F.S.

²⁰ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Jan. 19, 2022). See Florida Natural Areas Inventory, *Summary of Florida Conservation Lands* (Feb. 2019), available at <https://www.fnai.org/conslands/conservation-lands> (last visited Jan. 19, 2022) for a complete summary of the total amount of conservation lands in Florida.

²¹ 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."

²² Section 215.618, F.S.; FLA. CONST. art. VII, s. 11(e).

Florida Forever Bonds

Florida Forever bonds are payable from a dedicated state tax revenue: documentary stamp tax revenues.²³ The bonds are issued by the Division of Bond Finance of the State Board of Administration.²⁴ The amount deposited into the LATF must be used first for the payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds.²⁵ The bonds issued to fund the Florida Forever Act generally have a 20-year term and are intended to be retired by December 31, 2040.²⁶ Except for bonds issued to refund previously issued bonds, no bonds may be issued unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act.²⁷

III. Effect of Proposed Changes:

Section 1 amends s. 201.15, F.S., to extend the retirement date of bonds issued to fund the Florida Forever Act until December 31, 2054.

Section 2 amends s. 375.041, F.S., to appropriate \$100 million to the Florida Forever Trust Fund. The bill deletes the appropriation of funds as provided in the General Appropriations Act for the 2021-2022 fiscal year that has expired.

The bill provides that any remaining moneys in the Land Acquisition Trust Fund may not be used for costs associated with any of the following budget entities:

- Executive direction and support services and the Office of Technology and Information Services within the Department of Environmental Protection.
- Executive direction and support services and the Office of Agricultural Technology Services within the Department of Agriculture and Consumer Services.
- The Office of Executive Direction and Administrative Support Services within the Fish and Wildlife Conservation Commission.
- Executive direction and support services within the Department of State.

Section 3 provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²³ Section 215.618(3), F.S.

²⁴ Section 215.618(4), F.S.

²⁵ Section 201.15(3), F.S.

²⁶ *Id.*; s. 215.618(1), F.S.

²⁷ Section 201.15(3), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill appropriates \$100 million to the Florida Forever Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 201.15 and 375.041 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Stewart

13-01629-22

20221816__

1 A bill to be entitled
2 An act relating to the Land Acquisition Trust Fund;
3 amending s. 201.15, F.S.; extending the date by which
4 the Legislature intends for bonds issued to fund the
5 Florida Forever Act to be retired; amending s.
6 375.041, F.S.; requiring a specified annual
7 appropriation to the Florida Forever Trust Fund;
8 deleting an obsolete provision; prohibiting the use of
9 certain moneys distributed from the Land Acquisition
10 Trust Fund for specified costs; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (a) of subsection (3) of section
16 201.15, Florida Statutes, is amended to read:

17 201.15 Distribution of taxes collected.—All taxes collected
18 under this chapter are hereby pledged and shall be first made
19 available to make payments when due on bonds issued pursuant to
20 s. 215.618 or s. 215.619, or any other bonds authorized to be
21 issued on a parity basis with such bonds. Such pledge and
22 availability for the payment of these bonds shall have priority
23 over any requirement for the payment of service charges or costs
24 of collection and enforcement under this section. All taxes
25 collected under this chapter, except taxes distributed to the
26 Land Acquisition Trust Fund pursuant to subsections (1) and (2),
27 are subject to the service charge imposed in s. 215.20(1).

28 Before distribution pursuant to this section, the Department of
29 Revenue shall deduct amounts necessary to pay the costs of the

13-01629-22

20221816__

30 collection and enforcement of the tax levied by this chapter.
31 The costs and service charge may not be levied against any
32 portion of taxes pledged to debt service on bonds to the extent
33 that the costs and service charge are required to pay any
34 amounts relating to the bonds. All of the costs of the
35 collection and enforcement of the tax levied by this chapter and
36 the service charge shall be available and transferred to the
37 extent necessary to pay debt service and any other amounts
38 payable with respect to bonds authorized before January 1, 2017,
39 secured by revenues distributed pursuant to this section. All
40 taxes remaining after deduction of costs shall be distributed as
41 follows:

42 (3) Amounts on deposit in the Land Acquisition Trust Fund
43 shall be used in the following order:

44 (a) Payment of debt service or funding of debt service
45 reserve funds, rebate obligations, or other amounts payable with
46 respect to Florida Forever bonds issued pursuant to s. 215.618.
47 The amount used for such purposes may not exceed \$300 million in
48 each fiscal year. It is the intent of the Legislature that all
49 bonds issued to fund the Florida Forever Act be retired by
50 December 31, 2054 ~~2040~~. Except for bonds issued to refund
51 previously issued bonds, no series of bonds may be issued
52 pursuant to this paragraph unless such bonds are approved and
53 the debt service for the remainder of the fiscal year in which
54 the bonds are issued is specifically appropriated in the General
55 Appropriations Act or other law with respect to bonds issued for
56 the purposes of s. 373.4598.

57
58 Bonds issued pursuant to s. 215.618 or s. 215.619 are equally

13-01629-22

20221816__

59 and ratably secured by moneys distributable to the Land
60 Acquisition Trust Fund.

61 Section 2. Subsections (3) and (4) of section 375.041,
62 Florida Statutes, are amended to read:

63 375.041 Land Acquisition Trust Fund.—

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

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

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

75 1. A minimum of the lesser of 25 percent or \$200 million
76 shall be appropriated annually for Everglades projects that
77 implement the Comprehensive Everglades Restoration Plan as set
78 forth in s. 373.470, including the Central Everglades Planning
79 Project subject to Congressional authorization; the Long-Term
80 Plan as defined in s. 373.4592(2); and the Northern Everglades
81 and Estuaries Protection Program as set forth in s. 373.4595.
82 From these funds, \$32 million shall be distributed each fiscal
83 year through the 2023-2024 fiscal year to the South Florida
84 Water Management District for the Long-Term Plan as defined in
85 s. 373.4592(2). After deducting the \$32 million distributed
86 under this subparagraph, from the funds remaining, a minimum of
87 the lesser of 76.5 percent or \$100 million shall be appropriated

13-01629-22

20221816__

88 each fiscal year through the 2025-2026 fiscal year for the
89 planning, design, engineering, and construction of the
90 Comprehensive Everglades Restoration Plan as set forth in s.
91 373.470, including the Central Everglades Planning Project, the
92 Everglades Agricultural Area Storage Reservoir Project, the Lake
93 Okeechobee Watershed Project, the C-43 West Basin Storage
94 Reservoir Project, the Indian River Lagoon-South Project, the
95 Western Everglades Restoration Project, and the Picayune Strand
96 Restoration Project. The Department of Environmental Protection
97 and the South Florida Water Management District shall give
98 preference to those Everglades restoration projects that reduce
99 harmful discharges of water from Lake Okeechobee to the St.
100 Lucie or Caloosahatchee estuaries in a timely manner. For the
101 purpose of performing the calculation provided in this
102 subparagraph, the amount of debt service paid pursuant to
103 paragraph (a) for bonds issued after July 1, 2016, for the
104 purposes set forth under paragraph (b) shall be added to the
105 amount remaining after the payments required under paragraph
106 (a). The amount of the distribution calculated shall then be
107 reduced by an amount equal to the debt service paid pursuant to
108 paragraph (a) on bonds issued after July 1, 2016, for the
109 purposes set forth under this subparagraph.

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

13-01629-22

20221816__

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

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

129 4. The sum of \$64 million is appropriated and shall be
130 transferred to the Everglades Trust Fund for the 2018-2019
131 fiscal year, and each fiscal year thereafter, for the EAA
132 reservoir project pursuant to s. 373.4598. Any funds remaining
133 in any fiscal year shall be made available only for Phase II of
134 the C-51 reservoir project or projects identified in
135 subparagraph 1. and must be used in accordance with laws
136 relating to such projects. Any funds made available for such
137 purposes in a fiscal year are in addition to the amount
138 appropriated under subparagraph 1. This distribution shall be
139 reduced by an amount equal to the debt service paid pursuant to
140 paragraph (a) on bonds issued after July 1, 2017, for the
141 purposes set forth in this subparagraph.

142 5. The sum of \$50 million shall be appropriated annually to
143 the South Florida Water Management District for the Lake
144 Okeechobee Watershed Restoration Project in accordance with s.
145 373.4599. This distribution must be reduced by an amount equal

13-01629-22

20221816__

146 to the debt service paid pursuant to paragraph (a) on bonds
147 issued after July 1, 2021, for the purposes set forth in this
148 subparagraph.

149 6. The sum of \$100 million is appropriated annually to the
150 Florida Forever Trust Fund ~~Notwithstanding subparagraph 3., for~~
151 ~~the 2021-2022 fiscal year, funds shall be appropriated as~~
152 ~~provided in the General Appropriations Act. This subparagraph~~
153 ~~expires July 1, 2022.~~

154 (4) Any remaining moneys in the Land Acquisition Trust Fund
155 which are not distributed as provided in subsection (3) may be
156 appropriated from time to time for the purposes set forth in s.
157 28, Art. X of the State Constitution; however, such moneys
158 distributed from the Land Acquisition Trust Fund may not be used
159 for costs associated with any of the following budget entities:

160 (a) Executive direction and support services and the Office
161 of Technology and Information Services within the Department of
162 Environmental Protection.

163 (b) Executive direction and support services and the Office
164 of Agriculture Technology Services within the Department of
165 Agriculture and Consumer Services.

166 (c) The Office of Executive Direction and Administrative
167 Support Services within the Fish and Wildlife Conservation
168 Commission.

169 (d) Executive direction and support services within the
170 Department of State.

171 Section 3. This act shall take effect July 1, 2022.

Bonn, Kim

From: Brodersen, Zack
Sent: Monday, January 24, 2022 10:17 AM
To: Rogers, Ellen
Cc: Bonn, Kim; Flack, Hunter
Subject: Authorization for Chair Brodeur to Present SB 1556

Good Morning Ellen,

Senator Gruters has requested that Chair Brodeur present **SB 1556, Golf Course Best Management Practices Certification**, in the Environment and Natural Resources committee meeting this afternoon. Chair Brodeur has accepted. If you have any questions, please let me know.

Best,

Zack Brodersen | Legislative Assistant
Senator Jason Brodeur | Senate District 9
311 Senate Office Building | Tallahassee, FL 32301
Tallahassee (850) 487-5009 | Lake Mary (407) 333-1802

The Florida Senate

APPEARANCE RECORD

1/24/2022

Meeting Date

1078

Bill Number or Topic

Environment + Natural Resources

Committee

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

Amendment Barcode (if applicable)

Name Karen Woodell

Phone 850-327-9386

Address 579 E. Coll St.

Email kewood@yahoo.com

Street

Tallahassee, FL

City

State

32301

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: Earth Justice

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1078

Bill Number or Topic

01/24/22

Meeting Date

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EN

Committee

Amendment Barcode (if applicable)

Name Ann Bishop

Phone (352) 817 9293

Address 3060 SE 103 Lane

Email ann.bishop@marionfl.org

Street

Ocala

FL

34480

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support

Against ^{animal and} ^{hobby} FDACS should

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Marrion Swed

Partner w/ AFCA to determine if Board viable

need to broaden def. of Ag farm

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1078

Bill Number or Topic

Meeting Date

11/11 ENV, Natural Resources

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Committee

Amendment Barcode (if applicable)

Name

Tabitha Frazier

Phone

(850)766-3917

Address

915 Vinnedge Ridge

Email

Tabitha@leontrees.org

Street

Tallahassee

FL

32303

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Jan. 24, 2022

Meeting Date

SB 1078 - Hutson

Bill Number or Topic

EN App Sub Com Ag, Environment

Committee

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

Amendment Barcode (if applicable)

Name Betty Jo Tompkins

Phone 813.477.8332

Address 1706 South Kings Avenue

Email bjt6890@yahoo.com

Street

Bramelton Florida 33511

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

HSWCD

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1078

Bill Number or Topic

1/24/22

Meeting Date

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

EN

Committee

Amendment Barcode (if applicable)

Name

Audrey Kuipers

Phone

863-763-3619

Address

452 US 98

Email

Street

Okeechobee FL

34972

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/24/22

Meeting Date

1078

Bill Number or Topic

Env + Nat'l Resources

Committee

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

Amendment Barcode (if applicable)

Name Lindsay Cross

Phone

Address 1700 N Monroe 11-286

Email

lindsay@fcwaters.org

Street

Tally

FL

State

32303

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida conservation voters

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/24/22

Meeting Date

1078

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jeff Moore

Phone (850) 570-8484

Address 271 Potter Woodbery Rd.

Email jeffmoore41@bellsouth.net

Street

Havana

FL

32333

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1078

Bill Number or Topic

01-24-22

Meeting Date

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Soil + Water Districts

Committee

Amendment Barcode (if applicable)

Name Colleen Stensstrom

Phone 352-425-0419

Address 8180 S.E. 7th Avenue Rd.

Email tuckedawayfarm@yahoo.com

Street

Ocala

FL

34480

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name ROBERT STENSTREAM Phone _____

Address 8180 SE 7TH AVE RD Email R STENSTREAM @ GMAIL . COM

Street

Ocala FL

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

1078

~~SB #1024~~

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Shelby Green Phone _____

Address 519 Ingleside Ave Email _____
Street

Tallahassee FL 32303
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/24/22

Meeting Date

SB1078

Bill Number or Topic

EN.

Committee

Amendment Barcode (if applicable)

Name Ann Bishop

Phone (352) 8179293

Address 3060 SE 103 Lane

Email ann.bishop@manoi-fl.org

Street

Ocala FL 34480

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Manoi SWCD

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1110

Bill Number or Topic

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

Amendment Barcode (if applicable)

1/24/22 Meeting Date

Envi + N.R. Committee

Name META CALDER Phone 850-228-5900

Address 3740 RAVINE DR Street Email metaorlean@gmail.com

TALL City F State 32312 Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

FLORIDA LEAGUE OF WOMEN VOTERS

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

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

S-001 (08/10/2021)

1/24/2022

Meeting Date

Environment and Natural Resources

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 1418

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jeff Scala**

Phone **(727) 637-4081**

Address **100 S Monroe Street**

Street

Email **jscala@fl-counties.com**

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Association of Counties

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

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

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

The Florida Senate

APPEARANCE RECORD

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

1/24/22

Meeting Date

SB 1418

Bill Number or Topic

Environ. + NR

Committee

Amendment Barcode (if applicable)

Name META CALDER

Phone 850-228-5900

Address 3740 RAVINE DR

Email metaorlean@gmail.com

Street

TALL

City

FL

State

32312

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

FLORIDA LEAGUE OF WOMEN VOTERS

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 1418

Bill Number or Topic

1/24/22

Meeting Date

Env. & N.R.

Committee

Amendment Barcode (if applicable)

Name META CALDER

Phone 850-228-5900

Address 3740 RAUINE DR.

Email metacalder@gmail.com

TALL

City

FL

State

32312

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

FLORIDA LEAGUE OF WOMEN VOTERS

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

The Florida Senate

APPEARANCE RECORD

SB 1418

1-24-22

Meeting Date

Bill Number or Topic

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

Environ. & Nat. Resources

Committee

Amendment Barcode (if applicable)

Name Adi

Phone 321-614-1985

Address 1581 La Madenta Dr. SW

Email celthyaboruchotta@gmail.com

Street

Palm Bay

FL

32908

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

SB 1439

Bill Number or Topic

1/24/22

Meeting Date

Enviro: A Natural Resources

Committee

Name

Kate Warner

Phone

561-722-3654

Amendment Barcode (if applicable)

Address

154 Cat Rock Lane

Email

kate@floodcoalitionaction.org

Street

Jupiter

FL

33459

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

American Flood Coalition Action

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

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

1/24/22
Meeting Date
Enviro + N. R.
Committee

The Florida Senate APPEARANCE RECORD

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

SB 1434
Bill Number or Topic

Amendment Barcode (if applicable)

Name META CALDER

Phone 850-228-5900

Address 3740 RAVINE DR
Street

Email metacalder@ymail.com

TALL. FL 32312
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

FLORIDA LEAGUE OF WOMEN VOTERS

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

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

The Florida Senate

APPEARANCE RECORD

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

SB 1434

Bill Number or Topic

Amendment Barcode (if applicable)

1-24-22

Meeting Date

Environ. & Nat. Resources

Committee

Name Adi

Phone 321-614-1985

Address 1581 La Madera Dr.

Street

Email aditya.basudutta@gmail.com

Palm Bay

City

FL

State

32908

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

1/24/22 37 SB

Meeting Date

The Florida Senate APPEARANCE RECORD

DUPLICATE

1434

Bill Number or Topic

ENR

Committee

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

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **9830 ELM ST**

Email **cullenasea@gmail.com**

Street

OCEAN CITY

MD

21842

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SIERRA CLUB FLORIDA

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

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

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

APPEARANCE RECORD

SB 1556

1/24/22

Meeting Date

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

Bill Number or Topic

Environment & Natural Resources

Committee

Amendment Barcode (if applicable)

Name Dustin Plemons

Phone 863 860 4146

Address 2900 Buckingham Ave
Street

Email Dustin.Plemons@LakeLandgov.net

Lakeland FL 33803
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Golf Course Superintendent Assoc.

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

The Florida Senate

APPEARANCE RECORD

1556

1/24/22 37 SB

Meeting Date

Bill Number or Topic

ENR

Committee

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

Amendment Barcode (if applicable)

Name DAVID CULLEN

Phone 941-323-2404

Address 9830 ELM ST

Email cullenasea@gmail.com

Street

OCEAN CITY

MD

21842

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SIERRA CLUB FLORIDA

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Jan 24, 2022

Meeting Date

SB 1556

Bill Number or Topic

Environment + Nat Resources

Committee

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

Amendment Barcode (if applicable)

Name David Shepp

Phone 863 581-4250

Address P.O. Box 3739

Email shepp@thesouthern.org

Street

Lakeland

FL

33802

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

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

Florida Golf Course Superintendents Association

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

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

S-001 (08/10/2021)

1-24-22

The Florida Senate
APPEARANCE RECORD

SB 1666

Meeting Date

Environment & Natural

Committee

Resources

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Wayne "Bernie" Bernoska

Phone (850) 224-7333

Address 343 W. Madison St.

Email Bernie@fpfp.org

Street

tallahassee, FL 32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Professional Firefighters

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1816

January 24, 2022

Meeting Date

Environment and Natural Resources

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Will Abberger

Phone 850-294-2006

Address 306 N. Monroe Street

Email will.abberger@tpl.org

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Trust for Public Land

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

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

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

S-001 (08/10/2021)

1/24/22
Meeting Date

The Florida Senate APPEARANCE RECORD

SB1816
Bill Number or Topic

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

Senate Env. & Nat. Res.
Committee

Amendment Barcode (if applicable)

Name PAUL OWENS

Phone 850-222-6277

Address 308 N. Monroe St.
Street

Email powers@1000fof.org

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
1000 Friends of FLORIDA

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

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

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

1/24/22

Meeting Date

The Florida Senate APPEARANCE RECORD

1816

Bill Number or Topic

Amendment Barcode (if applicable)

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

Env + Nat'l Resource

Committee

Name

Lindsay Cross

Phone

Address

1700 N Monroe #11-286

Street

Email

lindsay@favoters.org

Tally

City

FL

State

32303

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida conservation voters

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

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

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

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Committee on Environment and Natural Resources

Judge:

Started: 1/24/2022 3:00:31 PM

Ends: 1/24/2022 4:15:32 PM Length: 01:15:02

3:00:31 PM Meeting will come to order
3:00:33 PM Roll call
3:00:37 PM Quorum present
3:01:00 PM Pledge
3:01:12 PM Tab 5 SB 1666 Senator Polsky
3:01:57 PM Senator Polsky explains bill
3:02:10 PM Questions on bill
3:03:02 PM Appearance form
3:03:08 PM Wayne Beinoska with Florida Professional Firefighters waives in support
3:03:14 PM Debate?
3:03:21 PM Senator Polsky closes
3:03:25 PM Roll call
3:03:31 PM SB 1666 reported favorably
3:03:58 PM Tab 3 SB 1434 by Rodriguez
3:04:19 PM Senator Rodriguez explains amendment barcode 219484
3:04:51 PM Questions on amendment
3:05:10 PM Debate?
3:05:18 PM Amendment barcode 219484 adopted
3:05:22 PM Back on bill
3:05:28 PM Senator Rodriguez explains bill
3:06:10 PM Questions
3:06:13 PM Senator Perry with question
3:06:25 PM Senator Rodriguez responds
3:06:47 PM Senator Perry with additional question
3:07:00 PM Senator Rodriguez responds
3:07:18 PM Senator Stewart with question
3:07:28 PM Senator Rodriguez responds
3:07:35 PM Appearance forms
3:07:39 PM Meta Calder with Florida League of Womens Voters speaking in favor
3:08:32 PM Adi of Palm Bay speaking for the bill
3:09:33 PM David Cullen with Sierra Club Florida waives in support
3:10:35 PM Kate Wejner with American flood Coalition Action speaking in favor
3:11:25 PM Senator Perry with question to Ms. Wejner
3:12:12 PM Ms. Wejner responds
3:12:25 PM Debate
3:12:28 PM Senator Perry with debate
3:13:26 PM Senator Rodriguez waive close
3:13:35 PM Roll call
3:13:38 PM CS/SB 1434 favorably
3:13:58 PM Tab 2 SB 1110 by Senator Rouson
3:14:07 PM Senator Rouson explains SB 1110
3:14:39 PM Questions on bill

3:15:34 PM Appearance forms
3:15:44 PM Meta Calder with Florida League of Women's Voters waives in favor
3:15:48 PM Debate
3:15:50 PM Senator Rouson waives close
3:15:54 PM Roll call
3:15:58 PM SB1110 reported favorably
3:16:29 PM Tab 1 SB 1078 Senator Hutson
3:16:49 PM Senator Hutson explains bill
3:17:01 PM Strike all barcode 586774
3:18:06 PM Questions on amendment
3:18:12 PM Senator Ausley with question
3:18:21 PM Senator Hutson responds
3:19:00 PM Senator Ausley with follow up
3:19:32 PM Senator Hutson responds
3:20:52 PM Senator Bean with question
3:21:02 PM Senator Hutson with response
3:21:20 PM Senator Stewart with question
3:21:31 PM Senator Hutson responds
3:22:16 PM Senator Hutson responds
3:22:46 PM Amendment to amendment
3:23:08 PM Amendment to amendment adopted
3:23:28 PM Questions on amendment as amended
3:23:46 PM
3:23:50 PM Senator Stewart with question
3:24:15 PM Senator Hutson closes on amendment as amended
3:24:30 PM Amendment adopted as amended
3:24:37 PM Back on bill
3:24:42 PM Questions
3:24:49 PM Appearance form
3:24:56 PM Karen Woodall with Earth Justice waives against
3:25:07 PM Ann Bishop of Ocala, FL waives against
3:25:11 PM Tabitha Frazier of Tallahassee, FL speaking against
3:29:16 PM Betty Jo Tompkins of Brandon, FL speaking against
3:34:27 PM Audrey Kuipers of Okeechobee, FL speaking against
3:37:21 PM Lindsay Cross with Florida Conservation Voters waiving against
3:37:33 PM Jeff More of Havana, FL speaking in favor of the bill
3:38:12 PM Colleen Stenstream of Ocala, FL speaking against
3:41:07 PM Robert Stenstream of Ocala, FL speaking against
3:44:23 PM Shelby Green of Tallahassee, FL speaking against
3:46:45 PM Ann Bishop of Ocala, FL Speaking against
3:48:02 PM Debate
3:48:06 PM Senator Ausley with debate
3:48:22 PM Senator Stewart with debate
3:49:40 PM Senator Albritton with debate
3:52:07 PM Senator Hutson closes on bill
3:53:34 PM Roll call
3:54:37 PM CS/SB 1078 is reported favorably
3:54:51 PM Tab 7 SB 1816
3:55:10 PM Vice Chair Stewart explains bill
3:55:36 PM Questions on bill
3:56:30 PM Appearance cards
3:56:35 PM Will Abberger with The Trust for Public Land speaking in favor

3:57:13 PM Paul Owens with 1000 Friends of Florida speaking in favor
4:00:41 PM Lindsay Cross with Florida Conservation Voters speaking in favor
4:04:33 PM Debate
4:04:37 PM Vice Chair Stewart closes on bill
4:04:51 PM Roll call
4:05:00 PM SB 1816 is reported favorably
4:05:18 PM Gavel passed to Vice Chair Stewart
4:05:29 PM Tab 4 SB 1556
4:05:46 PM Senator Brodeur explains bill
4:06:02 PM Questions
4:06:50 PM Senator Ausley with questions
4:07:02 PM Senator Brodeur responds
4:07:31 PM Amendment Barcode 374248
4:07:37 PM Chair Brodeur explains amendment
4:07:51 PM Questions on amendment
4:08:04 PM Appearance form, none
4:08:13 PM Debate? none
4:08:21 PM Chair Brodeur waive close on amendment
4:08:33 PM Amendment is adopted
4:08:37 PM Back on bill
4:08:40 PM Questions on bill
4:08:44 PM Appearance forms
4:08:58 PM Dustin Plemons Florida Gold Course Superintendents Association Speaking in favor
4:09:52 PM Senator Ausley with question to Mr. Plemons
4:10:10 PM Mr. Plemons responds to Senator Ausley
4:10:48 PM David Cullen with Sierra Club of Florida speaking against
4:11:24 PM David Shepp with Florida Golf Course Superintendents Association speaking in favor
4:13:44 PM Debate?
4:13:52 PM Chair Brodeur closes on bill
4:14:10 PM Roll call
4:14:26 PM CS/SB 1556 is reported favorably
4:14:52 PM Gavel back
4:15:02 PM Senators that wish to be recorded
4:15:04 PM Senator Albritton for SB 1666
4:15:12 PM Senator Perry SB 1110
4:15:19 PM Meeting Adjourned