

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**ENVIRONMENTAL PRESERVATION AND CONSERVATION**  
**Senator Dean, Chair**  
**Senator Abruzzo, Vice Chair**

**MEETING DATE:** Thursday, March 6, 2014  
**TIME:** 9:00 —11:00 a.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Office Building

**MEMBERS:** Senator Dean, Chair; Senator Abruzzo, Vice Chair; Senators Altman, Bullard, Gardiner, Grimsley, Latvala, Simpson, and Soto

| TAB | BILL NO. and INTRODUCER                       | BILL DESCRIPTION and<br>SENATE COMMITTEE ACTIONS   | COMMITTEE ACTION           |
|-----|---|--|----------------------------|
| 1   | <b>SB 540</b><br>Simmons<br>(Identical H 449) | Sharks; Prohibiting the possession, sale, trade, purchase, shipping, barter, exchange, or distribution of shark fins; providing criminal penalties and the assessment of specified fees and costs by the Fish and Wildlife Conservation Commission; requiring the destruction of seized shark fins, etc.<br><br>EP      03/06/2014 Fav/CS<br>CJ<br>AGG<br>AP   | Fav/CS<br>Yeas 8 Nays 0    |
| 2   | <b>SB 622</b><br>Clemens<br>(Identical H 729) | Paper Recycling; Requiring each district school board to develop a paper recycling program to be implemented within each classroom of the school district; requiring money received for the recycling of paper or paper products to be deposited into the school district's general fund, etc.<br><br>EP      03/06/2014 Favorable<br>ED<br>AED<br>AP  | Favorable<br>Yeas 8 Nays 0 |
| 3   | <b>SB 1094</b><br>Dean<br>(Identical H 1123)  | Aquatic Preserves; Creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in the aquatic preserve system; outlining the authority of the Board of Trustees of the Internal Improvement Trust Fund in respect to the preserve; requiring the board to adopt rules to carry out this section; prohibiting the establishment and management of the preserve from infringing upon the riparian rights of upland property owners adjacent to or within the preserve, etc.<br><br>EP      03/06/2014 Fav/CS<br>AGG<br>AP | Fav/CS<br>Yeas 7 Nays 0    |

Other related meeting documents

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

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BILL: CS/SB 540

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

SUBJECT: Sharks

DATE: March 7, 2014

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

|    | ANALYST       | STAFF DIRECTOR | REFERENCE  | ACTION        |
|----|---------------|----------------|------------|---------------|
| 1. | <u>Hinton</u> | <u>Uchino</u>  | <u>EP</u>  | <u>Fav/CS</u> |
| 2. | _____         | _____          | <u>CJ</u>  | _____         |
| 3. | _____         | _____          | <u>AGG</u> | _____         |
| 4. | _____         | _____          | <u>AP</u>  | _____         |

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

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

CS/SB 540 provides enhanced penalties for the possession of separated shark fins on Florida waters by a commercial harvester. Penalties range from a second degree misdemeanor for a first violation to a third degree felony for repeat violations, with associated license revocations, civil penalties, and jail terms.

**II. Present Situation:**

Shark finning is the practice of removing and retaining shark fins at sea while the remainder of the living shark is discarded and left to die in the ocean. A landed shark is a harvested shark that has been brought to shore.

Sharks are managed in Florida waters by the FWC.<sup>1</sup> The practice of finning in state waters was prohibited in 1992.<sup>2</sup> Removing fins from sharks harvested in state and federal waters once a shark has been landed is allowed. Commercial and recreational fishermen fishing in state waters are limited to one shark per person, per day, and may not exceed two sharks per vessel, per day, when two or more persons are onboard.<sup>3</sup>

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<sup>1</sup> See Rule 68B-44, F.A.C.

<sup>2</sup> See Rule 68B-44.004, F.A.C.

<sup>3</sup> Rule 68B-44.003, F.A.C.

## Shark Finning in State and Federal Waters

Violations of shark finning rules are Level Two offenses.<sup>4</sup> Penalties are as follows:

- A person who commits a Level Two violation, but who has not been convicted of a Level Two or higher violation within the past three years, commits a second degree misdemeanor, punishable by up to 60 days in jail and up to a \$500 fine.
- A person who commits a Level Two violation within three years after a previous conviction for a Level Two or higher violation commits a first degree misdemeanor, punishable by a minimum mandatory fine of \$250, not to exceed \$1,000, and up to one year in jail.
- A person who commits a Level Two violation within five years after two previous convictions for a Level Two or higher violation commits a first degree misdemeanor, punishable by a mandatory fine of \$500, up to \$1,000, up to one year in jail, and suspension of any recreational license or permit for one year.
- A person who commits a Level Two violation within 10 years after three previous convictions for a Level Two or higher violation commits a first degree misdemeanor, punishable by a mandatory fine of \$750, up to \$1,000, up to one year in jail, and suspension of any recreational license or permit for three years.<sup>5</sup>

Federal law prohibits the practice of finning in federal waters.<sup>6</sup> A shark must be landed with all of its fins attached,<sup>7</sup> and the total weight of any fins from landed sharks must be five percent or less of the total weight of the landed shark carcasses.<sup>8</sup> A person who violates these laws may be subject to a civil penalty of up to \$100,000 for each violation, as determined by the U.S. Secretary of Commerce.<sup>9</sup>

## State and Federal Regulations

Florida imposes gear restrictions that limit fishermen to harvesting sharks by hook and line only. The state prohibits the harvest, possession, landing, purchase, sale, or exchange of 25 shark species in state waters, and further prohibits the landing and sale of those species if harvested from state waters.<sup>10</sup>

Commercial shark fishermen operating in state and federal waters are required to hold a federal shark permit. The permits are not “open access.” The permit must be transferred from someone who currently holds a permit and chooses to sell that permit and leave the fishery. No new permits are being issued.<sup>11</sup> There are currently a total of 219 permits issued for the Atlantic and Gulf of Mexico fisheries, and Florida residents hold 129 of them. New Jersey and North Carolina residents hold the next highest number with 22 and 18 permits, respectively.<sup>12</sup>

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<sup>4</sup> See s. 379.401(2)(a), F.S.

<sup>5</sup> See ss. 379.401(2), 775.082, and 775.083, F.S.

<sup>6</sup> 16 U.S.C. s. 1857(1)(P) (2014).

<sup>7</sup> 16 U.S.C. s. 1857(1)(P)(iv) (2014).

<sup>8</sup> 16 U.S.C. s. 1857(1) (2014).

<sup>9</sup> 16 U.S.C. s. 1858 (2014).

<sup>10</sup> FWC, *Shark Regulations*, <http://myfwc.com/fishing/saltwater/recreational/sharks/> (last visited Mar. 4, 2014).

<sup>11</sup> 50 C.F.R. s. 635.4 (2013).

<sup>12</sup> FWC, *Senate Bill 540 Agency Analysis* (Feb. 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) manages commercial shark fishing with a series of quotas that apply throughout U.S. Atlantic and Gulf waters. Florida's commercial fishermen are subject to those quotas. Shark quotas are assigned by species groups and some quotas are linked to others. For example, if a quota for one species group is reached, all the species groups linked to that one will also close. Quotas are also adjusted from year to year to account for any quotas that were exceeded in the previous year. There are separate quotas for sharks harvested in Gulf and Atlantic waters.<sup>13</sup> Current quotas are available from the NOAA Highly Migratory Species Division.<sup>14</sup>

### **Shark Fishery Statistics**

Given the limited commercial bag limits for sharks in state waters, Florida's shark fishery operates almost exclusively in federal waters.<sup>15</sup>

From 2010 to 2012, total shark landings in Florida declined from 998,015 to 851,919 pounds. The weight of fins sold rose slightly from 2010 to 2011 (from 28,662 pounds to 28,926 pounds), then fell to 18,422 pounds in 2012.<sup>16</sup>

Total shark landings in the Atlantic and the Gulf of Mexico have risen from 2010 to 2012 from 2,276,702 pounds in 2010 to 2,427,182 pounds in 2012. Meanwhile, the weight of fins sold separately from the meat following landings in the Atlantic Ocean or the Gulf of Mexico has dropped each year over that same time period from 65,970 pounds in 2010 to 56,063 pounds in 2012.<sup>17</sup>

The average price of shark meat paid to Florida fishermen from 2010 to 2012 was about \$0.46 per pound. In contrast, from 2010 to 2012, the average price for shark fins ranged from \$18.76 to \$21.37 per pound.<sup>18</sup>

Sale of harvested sharks to Florida's wholesale dealers and fish houses over the last three years resulted in an estimated annual income to Florida's commercial shark fishermen ranging from \$393,556 to \$466,063, with additional estimated values of \$345,563 to \$618,279 generated by fishermen from the sale of shark fins during that same time period.<sup>19</sup>

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<sup>13</sup> *Id.* at 3.

<sup>14</sup> NOAA Fisheries, *Atlantic Highly Migratory Species: Sharks: Landings Updates* (Feb. 20, 2014), [http://www.nmfs.noaa.gov/sfa/hms/hmsdocument\\_files/sharks.htm](http://www.nmfs.noaa.gov/sfa/hms/hmsdocument_files/sharks.htm) (Updated reports are available by clicking the "Landings Updates" tab near the top of the webpage) (last visited Mar. 4, 2014). NOAA Fisheries publishes reported shark landings on a monthly basis. The landings reports list updated total landings for the year and yearly quotas for various shark species in Atlantic and Gulf waters.

<sup>15</sup> FWC, *Senate Bill 540 Agency Analysis* (Feb. 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

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

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

From 2010 to 2012, 16 wholesale fish dealers sold shark fins in Florida, with seven dealers accounting for 91.8 percent of the fins that were sold. During the same time period, 97 commercial fishermen sold shark fins harvested from state and federal waters. Of those fishermen, 24 harvesters accounted for 90.2 percent of the fins.<sup>20</sup>

According to the NOAA Fisheries trade database and the United Nations Food and Agriculture Organization, the United States as a whole accounts for less than one percent of the world's shark fin imports and exports.<sup>21</sup>

### **Shark Fin Legislation in Other States**

Legislation prohibiting the possession, sale, and distribution of shark fins was passed by several states in recent years. Hawaii was the first state to pass such a ban in 2010. Washington, Oregon, Illinois, and California have implemented similar laws. New York's ban is scheduled to go into effect July 1, 2014. Maryland and Delaware also passed laws prohibiting the sale of shark fins (with the exception of spiny dogfish and smoothhound in Delaware), but allow fishermen to possess them for personal use. Other states have considered, but not passed, similar legislation.<sup>22</sup> California's shark fin ban has been challenged in court. The lawsuit contends the ban would have a negative effect on business interests, and that it is unconstitutional because it has a disproportionate effect on Chinese-Americans.<sup>23</sup>

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

**Section 1** amends s. 379.407, F.S., providing enhanced penalties for commercial fishermen who are in possession of separated shark fins on Florida waters. Possession of separated shark fins on Florida waters is classified as a major violation.

Commercial fishermen found to be in violation of this ban on possession of separated shark fins on Florida waters are subject to the following penalties:

- **First violation** – Second degree misdemeanor and the possibility of license suspension for up to 30 days.
- **Second violation** – First degree misdemeanor and the possibility of license suspension for up to 90 days.
- **Third violation** – First degree misdemeanor with a six-month mandatory minimum prison term. The violator may be assessed a civil penalty of up to \$2,500 and the possibility of license suspension for up to six months.
- **Third violation within one year of second violation** – Third degree felony with a one-year mandatory minimum prison term. The violator is also assessed a civil penalty of \$5,000 and all license privileges are permanently revoked.
- **Fourth or subsequent violation** – Third degree felony with a one-year mandatory minimum prison term. The violator is assessed a civil penalty of \$5,000 and all license privileges are permanently revoked.

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

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> See *Chinatown Neighborhood Ass'n v. Brown*, 2013 WL 60910, (N.D.Cal. 2013). See also *Chinatown Neighborhood Ass'n v. Brown*, 539 Fed.Appx. 761, (2013) (denying injunctive relief).

**Section 2** amends s. 379.401, F.S., making conforming changes.

**Section 3** provides an effective date of July 1, 2014.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A commercial fisherman convicted of possessing separated shark fins while on Florida waters will be subject to increased penalties.

C. Government Sector Impact:

Because the bill increases monetary penalties for possession of separated shark fins on Florida waters, and those funds are deposited into Marine Resources Conservation Trust Fund, there could be a small increase in the amount of money deposited into the trust fund. The FWC Division of Law Enforcement has issued eight citations for shark finning and seven citations for failing to land a shark in whole condition, which may or may not have included finning, since January 2009, so the effect will likely be minimal.<sup>24</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>24</sup> *Supra* note 15, at 2.

**VIII. Statutes Affected:**

This bill substantially amends section 379.407 and conforms a cross reference in 379.401 of the Florida Statutes.

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

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

**CS by Environmental Preservation and Conservation on March 6, 2014:**

The committee substitute removes provisions creating s. 379.2427, F.S., which made it illegal to possess, sell, offer for sale, trade, purchase, offer to purchase, ship for the purpose of sale, barter, exchange or otherwise distribute shark fins, with limited exceptions. The CS also deletes penalties associated with violations of those prohibited activities.

The CS amends s. 379.407, F.S., adding enhanced penalties for commercial fishermen who are convicted of possessing separated shark fins on Florida waters. The penalties range from a second degree misdemeanor for a first violation to a third degree felony for repeat violations, with associated license revocations, civil penalties, and jail terms. Lastly, the CS contains conforming changes.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 03/07/2014 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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The Committee on Environmental Preservation and Conservation  
(Abruzzo) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (5), (6), (7), and (8) of section  
379.407, Florida Statutes, are renumbered (6), (7), (8), and (9)  
respectively, and a new subsection (5) is created to read:

379.407 Administration; rules, publications, records;  
penalties; injunctions.—

(5) PENALTIES FOR POSSESSION OF SEPARATED SHARK FINS ON THE



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11 WATER.-

12 (a) It shall be unlawful for any commercial harvester to  
13 possess separated shark fins while on Florida waters. It is a  
14 major violation under this section for any commercial harvester  
15 to be in possession of shark fins on state waters that are not  
16 attached to a shark carcass.

17 (b) Any commercial harvester who violates this subsection  
18 shall be punished as follows:

19 1. A first violation is a misdemeanor of the second degree,  
20 punishable as provided in s. 775.082 or s. 775.083, and such  
21 person is subject to a suspension of all license privileges  
22 under this chapter for a period of 30 days.

23 2. A second violation is a misdemeanor of the first degree,  
24 punishable as provided in s. 775.082 or s. 775.083, and such  
25 person is subject to a suspension of all license privileges  
26 under this chapter for a period of 90 days.

27 3. A third violation is a misdemeanor of the first degree,  
28 punishable as provided in s. 775.082 or s. 775.083, with a  
29 mandatory minimum term of imprisonment of 6 months, and such  
30 person may also be assessed a civil penalty of up to \$2,500, and  
31 is subject to a suspension of all license privileges under this  
32 chapter for a period of 6 months.

33 4. A third violation within 1 year after a second violation  
34 is a felony of the third degree, punishable as provided in s.  
35 775.082 or s. 775.083, with a mandatory minimum term of  
36 imprisonment of 1 year, and such person shall be assessed a  
37 civil penalty of \$5,000, and all license privileges under this  
38 chapter shall be permanently revoked.

39 5. A fourth or subsequent violation is a felony of the



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40 third degree, punishable as provided in s. 775.082 or s.  
41 775.083, with a mandatory minimum term of imprisonment of 1  
42 year, and such person shall be assessed a civil penalty of  
43 \$5,000 and all license privileges under this chapter shall be  
44 permanently revoked.

45 (6) ~~(5)~~ SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY  
46 HARVESTED PRODUCTS.—In addition to other penalties authorized in  
47 this chapter, any violation of s. 379.361 or s. 379.362, or  
48 rules of the commission implementing s. 379.361 or s. 379.362,  
49 involving the purchase of saltwater products by a commercial  
50 wholesale dealer, retail dealer, or restaurant facility for  
51 public consumption from an unlicensed person, firm, or  
52 corporation, or the purchase or sale of any saltwater product  
53 known to be taken in violation of s. 16, Art. X of the State  
54 Constitution, or rule or statute implementing the provisions  
55 thereof, by a commercial wholesale dealer, retail dealer, or  
56 restaurant facility, for public consumption, is a major  
57 violation, and the commission may assess the following  
58 penalties:

59 (a) For a first violation, the commission may assess a  
60 civil penalty of up to \$2,500 and may suspend the wholesale or  
61 retail dealer's license privileges for up to 90 calendar days.

62 (b) For a second violation occurring within 12 months of a  
63 prior violation, the commission may assess a civil penalty of up  
64 to \$5,000 and may suspend the wholesale or retail dealer's  
65 license privileges for up to 180 calendar days.

66 (c) For a third or subsequent violation occurring within a  
67 24-month period, the commission shall assess a civil penalty of  
68 \$5,000 and shall suspend the wholesale or retail dealer's



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69 license privileges for up to 24 months.

70

71 Any proceeds from the civil penalties assessed pursuant to this  
72 subsection shall be deposited into the Marine Resources  
73 Conservation Trust Fund and shall be used as follows: 40 percent  
74 for administration and processing purposes and 60 percent for  
75 law enforcement purposes.

76 (7)~~(6)~~ PENALTIES FOR UNLICENSED SALE, PURCHASE, OR  
77 HARVEST.—It is a major violation and punishable as provided in  
78 this subsection for any unlicensed person, firm, or corporation  
79 who is required to be licensed under this chapter as a  
80 commercial harvester or a wholesale or retail dealer to sell or  
81 purchase any saltwater product or to harvest or attempt to  
82 harvest any saltwater product with intent to sell the saltwater  
83 product.

84 (a) Any person, firm, or corporation who sells or purchases  
85 any saltwater product without having purchased the licenses  
86 required by this chapter for such sale is subject to penalties  
87 as follows:

88 1. A first violation is a misdemeanor of the second degree,  
89 punishable as provided in s. 775.082 or s. 775.083.

90 2. A second violation is a misdemeanor of the first degree,  
91 punishable as provided in s. 775.082 or s. 775.083, and such  
92 person may also be assessed a civil penalty of up to \$2,500 and  
93 is subject to a suspension of all license privileges under this  
94 chapter for a period not exceeding 90 days.

95 3. A third violation is a misdemeanor of the first degree,  
96 punishable as provided in s. 775.082 or s. 775.083, with a  
97 mandatory minimum term of imprisonment of 6 months, and such



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98 person may also be assessed a civil penalty of up to \$5,000 and  
99 is subject to a suspension of all license privileges under this  
100 chapter for a period not exceeding 6 months.

101 4. A third violation within 1 year after a second violation  
102 is a felony of the third degree, punishable as provided in s.  
103 775.082 or s. 775.083, with a mandatory minimum term of  
104 imprisonment of 1 year, and such person shall be assessed a  
105 civil penalty of \$5,000 and all license privileges under this  
106 chapter shall be permanently revoked.

107 5. A fourth or subsequent violation is a felony of the  
108 third degree, punishable as provided in s. 775.082 or s.  
109 775.083, with a mandatory minimum term of imprisonment of 1  
110 year, and such person shall be assessed a civil penalty of  
111 \$5,000 and all license privileges under this chapter shall be  
112 permanently revoked.

113 (b) Any person whose license privileges under this chapter  
114 have been permanently revoked and who thereafter sells or  
115 purchases or who attempts to sell or purchase any saltwater  
116 product commits a felony of the third degree, punishable as  
117 provided in s. 775.082 or s. 775.083, with a mandatory minimum  
118 term of imprisonment of 1 year, and such person shall also be  
119 assessed a civil penalty of \$5,000. All property involved in  
120 such offense shall be forfeited pursuant to s. 379.337.

121 (c) Any commercial harvester or wholesale or retail dealer  
122 whose license privileges under this chapter are under suspension  
123 and who during such period of suspension sells or purchases or  
124 attempts to sell or purchase any saltwater product shall be  
125 assessed the following penalties:

126 1. A first violation, or a second violation occurring more



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127 than 12 months after a first violation, is a first degree  
128 misdemeanor, punishable as provided in ss. 775.082 and 775.083,  
129 and such commercial harvester or wholesale or retail dealer may  
130 be assessed a civil penalty of up to \$2,500 and an additional  
131 suspension of all license privileges under this chapter for a  
132 period not exceeding 90 days.

133 2. A second violation occurring within 12 months of a first  
134 violation is a third degree felony, punishable as provided in  
135 ss. 775.082 and 775.083, with a mandatory minimum term of  
136 imprisonment of 1 year, and such commercial harvester or  
137 wholesale or retail dealer may be assessed a civil penalty of up  
138 to \$5,000 and an additional suspension of all license privileges  
139 under this chapter for a period not exceeding 180 days. All  
140 property involved in such offense shall be forfeited pursuant to  
141 s. 379.337.

142 3. A third violation within 24 months of the second  
143 violation or subsequent violation is a third degree felony,  
144 punishable as provided in ss. 775.082 and 775.083, with a  
145 mandatory minimum term of imprisonment of 1 year, and such  
146 commercial harvester or wholesale or retail dealer shall be  
147 assessed a mandatory civil penalty of up to \$5,000 and an  
148 additional suspension of all license privileges under this  
149 chapter for a period not exceeding 24 months. All property  
150 involved in such offense shall be forfeited pursuant to s.  
151 379.337.

152 (d) Any commercial harvester who harvests or attempts to  
153 harvest any saltwater product with intent to sell the saltwater  
154 product without having purchased a saltwater products license  
155 with the requisite endorsements is subject to penalties as



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156 follows:

157 1. A first violation is a misdemeanor of the second degree,  
158 punishable as provided in s. 775.082 or s. 775.083.

159 2. A second violation is a misdemeanor of the first degree,  
160 punishable as provided in s. 775.082 or s. 775.083, and such  
161 commercial harvester may also be assessed a civil penalty of up  
162 to \$2,500 and is subject to a suspension of all license  
163 privileges under this chapter for a period not exceeding 90  
164 days.

165 3. A third violation is a misdemeanor of the first degree,  
166 punishable as provided in s. 775.082 or s. 775.083, with a  
167 mandatory minimum term of imprisonment of 6 months, and such  
168 commercial harvester may also be assessed a civil penalty of up  
169 to \$5,000 and is subject to a suspension of all license  
170 privileges under this chapter for a period not exceeding 6  
171 months.

172 4. A third violation within 1 year after a second violation  
173 is a felony of the third degree, punishable as provided in s.  
174 775.082 or s. 775.083, with a mandatory minimum term of  
175 imprisonment of 1 year, and such commercial harvester shall also  
176 be assessed a civil penalty of \$5,000 and all license privileges  
177 under this chapter shall be permanently revoked.

178 5. A fourth or subsequent violation is a felony of the  
179 third degree, punishable as provided in s. 775.082 or s.  
180 775.083, with a mandatory minimum term of imprisonment of 1  
181 year, and such commercial harvester shall also be assessed a  
182 mandatory civil penalty of \$5,000 and all license privileges  
183 under this chapter shall be permanently revoked.

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185 For purposes of this subsection, a violation means any judicial  
186 disposition other than acquittal or dismissal.

187 (8)~~(7)~~ REVOCATION OF LICENSES.—Any person licensed under  
188 this chapter who has been convicted of taking aquaculture  
189 species raised at a certified facility shall have his or her  
190 license revoked for 5 years by the commission pursuant to the  
191 provisions and procedures of s. 120.60.

192 (9)~~(8)~~ LICENSES AND ENTITIES SUBJECT TO PENALTIES.—For  
193 purposes of imposing license or permit suspensions or  
194 revocations authorized by this chapter, the license or permit  
195 under which the violation was committed is subject to suspension  
196 or revocation by the commission. For purposes of assessing  
197 monetary civil or administrative penalties authorized by this  
198 chapter, the commercial harvester cited and subsequently  
199 receiving a judicial disposition of other than dismissal or  
200 acquittal in a court of law is subject to the monetary penalty  
201 assessment by the commission. However, if the licensee or  
202 permitholder of record is not the commercial harvester receiving  
203 the citation and judicial disposition, the license or permit may  
204 be suspended or revoked only after the licensee or permitholder  
205 has been notified by the commission that the license or permit  
206 has been cited in a major violation and is now subject to  
207 suspension or revocation should the license or permit be cited  
208 for subsequent major violations.

209 Section 2. This act shall take effect July 1, 2014.

210  
211 ===== T I T L E A M E N D M E N T =====

212 And the title is amended as follows:

213 Delete everything before the enacting clause



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214 and insert:

215                                   A bill to be entitled  
216 An act relating to sharks; amending s. 379.407, F.S.; providing  
217 penalties for possession of separated shark fins on state  
218 waters; providing an effective date.

219

By Senator Simmons

10-00441-14

2014540\_\_

1                   A bill to be entitled  
2       An act relating to sharks; creating s. 379.2427, F.S.;  
3       providing definitions; prohibiting the possession,  
4       sale, trade, purchase, shipping, barter, exchange, or  
5       distribution of shark fins; providing criminal  
6       penalties and the assessment of specified fees and  
7       costs by the Fish and Wildlife Conservation  
8       Commission; requiring the destruction of seized shark  
9       fins; providing for applicability; authorizing the  
10      commission to adopt rules; providing an effective  
11      date.

12  
13       WHEREAS, species of finfish in the class Chondrichthyes,  
14      subclass Elasmobranchii, and superorder Selachii are given the  
15      common name "sharks," and

16       WHEREAS, sharks occupy the top of the aquatic food chain  
17      and play a critical role in the maintenance of a healthy and  
18      functioning marine ecosystem, and

19       WHEREAS, data from state, federal, and international  
20      agencies show a decline in shark populations both locally and  
21      worldwide, and

22       WHEREAS, the decline in shark populations is an urgent  
23      problem that upsets the balance of species in marine ecosystems  
24      and constitutes a serious threat to biodiversity, and

25       WHEREAS, sharks have particular characteristics that make  
26      them more vulnerable to overfishing, as sharks are slow to reach  
27      reproductive maturity, birth small litters, and cannot rebuild  
28      their populations quickly once overfished, and

29       WHEREAS, the practice of shark finning, whereby a shark is

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30 caught, the fin is cut off, and the shark is returned to the  
31 water experiencing physical distress and difficulty in  
32 maintaining adequate oxygenation, causes millions of sharks to  
33 die a slow death by starvation, predation, suffocation, and  
34 drowning each year, and

35 WHEREAS, estimates indicate that 73 million sharks are  
36 killed annually as a result of shark finning, that more than a  
37 third of shark species are threatened by extinction, and that  
38 certain shark species have been depleted by as much as 90  
39 percent, and

40 WHEREAS, the market for shark fins, a principal ingredient  
41 in certain culinary delicacies, is on the rise, and

42 WHEREAS, fishers continue the practice of shark finning on  
43 a massive scale despite state and federal laws that ban the  
44 practice, NOW, THEREFORE,

45  
46 Be It Enacted by the Legislature of the State of Florida:

47  
48 Section 1. Section 379.2427, Florida Statutes, is created  
49 to read:

50 379.2427 Shark finning prohibited.-

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

52 (a) "Shark" means a species of finfish in the class  
53 Chondrichthyes, subclass Elasmobranchii, and superorder  
54 Selachii.

55 (b) "Shark fin" means the raw or dried or otherwise  
56 processed detached fin or tail of a shark.

57 (2) A person may not possess, sell, offer for sale, trade,  
58 purchase, offer to purchase, ship for the purpose of sale,

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59 barter, exchange, or otherwise distribute a shark fin in this  
60 state or within the territorial waters of this state.

61 (3) A person who violates this section or any rule adopted  
62 pursuant to this section:

63 (a) Commits a misdemeanor of the second degree, punishable  
64 as provided in s. 775.082 or s. 775.083; and

65 (b) Is subject to:

66 1. Seizure and forfeiture of the shark fin; and

67 2. An administrative fine of at least \$5,000, but not more  
68 than \$15,000, which shall be imposed by the Fish and Wildlife  
69 Conservation Commission.

70 (c) May be assessed administrative fees and attorney fees  
71 and costs.

72 (4) Shark fins seized by the Fish and Wildlife Conservation  
73 Commission under this section must be destroyed and may not be  
74 sold or transferred.

75 (5) This section does not apply to any of the following:

76 (a) A restaurant that possesses, sells, or offers for sale  
77 a shark fin for the purpose of consumption on the premises if  
78 the restaurant possessed the shark fin before July 1, 2014.

79 (b) A person who detaches a shark fin or tail from a  
80 lawfully landed shark during the ordinary course of preparing  
81 the shark's body or body parts other than the fin or tail for  
82 consumption, sale, trade, or distribution if the shark fin is  
83 disposed of immediately and not sold, exchanged, or distributed.

84 (c) A person or entity that has a valid scientific permit  
85 for the possession of a shark fin for bona fide research or  
86 educational purposes.

87 (d) The possession or transportation in this state of a

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88 shark fin for a purpose other than sale taken or caught outside  
89 this state and transported from a point outside this state by  
90 common carrier, without being unloaded in this state, to a point  
91 of delivery outside this state.

92 (6) The Fish and Wildlife Conservation Commission may adopt  
93 rules to administer this section.

94 Section 2. This act shall take effect July 1, 2014.

**2014**  
**“THERE OUGHT TO BE A LAW”**  
**COMPETITION**



**GROUP BRISCOE:**  
**NITAI PATEL, ISHFER HASAN**

**2014**  
**“THERE OUGHT TO BE A LAW”**  
**GROUP BRISCOE:**  
**NITAI PATEL, ISHFER HASAN**

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**I. Description of Proposal**

An act requiring all public schools to implement “Go Green Policies,” at the very least defined as the implementation of a modest recycling program. Examples of materials that may be part of the recycling program may include, but not limited to, the recycling of all paper products, magazines, newspaper, cardboard, scrap metal, grass clippings, leaves (compost), plastic containers, glass and metal food and beverage containers, etc.

**II. Summary of Proposal**

- a. The new law will provide eco-friendly policies for every Florida public school with the exception of a select few public schools that receive government authorization to be exempt from the law due to financial constraints (inadequate amount of funds).
- b. While many public schools have already started go green policies in one form or another, the proposed law above will ensure that all public schools abide by strict rules for recycling programs and such, as well as be the cause for schools that have not implemented recycling programs to implement one at the inaction of the proposed law.

**III. Effect of Proposed Changes**

- a. By causing public schools to go green, not only will the law make public school (which use immense amounts of paper and recyclable materials daily) implement recycling programs but may be a cause to persuade the parents of children at all public schools to begin recycling at home.
- b. As the effects of global warming become more profound due to increases deforestation and environmental damage, schools’ wasteful nature of recyclable water bottles, paper, newspaper, cardboard, scrap metal, etc. should be stopped. Thus, as many other states, including Connecticut, New Jersey, Kentucky, Nevada, New York, Pennsylvania, and Rhode Island, have already implemented laws for school recycling, Florida should be next in line to follow suit to save the planet.
- c. The budgetary impact is at a minimum with the costs only coming from minor transportation issues and the down payment to start and modestly maintain a school recycling program. However, as states such as Connecticut have shown, the budgetary impact is not very detrimental to total state funds awarded by the Environmental Protection agency and positive environmental impact is much more beneficial than minor monetary costs. Also, if Florida decides to establish laws based on school recycling programs, the Environmental Protection Agency may be inclined to award greater amounts of funds for such recycling programs to offset any minimal budgetary expenses.

**IV. Any Supporting Information**

The state of Connecticut has laws making schools recycle a list of 14 items shown in the list of recycling programs by state <http://www.calrecycle.ca.gov/ReduceWaste/Schools/StatesDoing.htm>. Finally, as also shown by the list, Florida, while not implementing laws on recycling, has already started to award schools, teachers, and students that show exemplary recycling abilities through Florida’s voluntary go green programs. Therefore, as certain individuals can go above and beyond in recycling, there should also be a minimum requirement for all public schools in regards to recycling programs and go green policies because the budgetary impact for meeting the minimum requirement is remarkably low and would require a very small, if any, percentage of Florida state funds.



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

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BILL: SB 622

INTRODUCER: Senator Clemens

SUBJECT: Paper Recycling

DATE: March 4, 2014

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

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|---------|----------------|-----------|------------------|
| 1. | Gudeman | Uchino         | EP        | <b>Favorable</b> |
| 2. |         |                | ED        |                  |
| 3. |         |                | AED       |                  |
| 4. |         |                | AP        |                  |

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**I. Summary:**

SB 622 requires each school district to develop a paper recycling program and adopt rules to establish the procedure for the disposition of paper and paper products. The bill provides for certain exemptions to school districts or schools and an exemption for the recycling of confidential documents. The bill also provides definitions and requires that the money received by a school district for recycling be deposited into the school district's general fund.

**II. Present Situation:**

**Solid Waste Management**

The management of solid waste in Florida began in 1946 under the Sanitary Code (code). The code provided definitions and procedures for illegal dumping and proper storage of solid waste, as well as the collection and dumping of solid waste. The code required municipalities to provide for, "adequate, efficient, and sanitary systems of collecting, transporting, and disposing of garbage and rubbish from all buildings and establishments creating garbage or rubbish throughout the municipality."<sup>1</sup>

In 1974, the Legislature enacted the Florida Resource Recovery and Management Act (act), which established procedures for the storage, collection, transport, separation, processing, recycling, and disposal of solid waste. The act required counties and municipalities to adopt local resource recovery and management programs and to implement the state program.<sup>2</sup>

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<sup>1</sup> Florida State Sanitary Code, Chapter XXXI, Garbage and Rubbish, available at [ftp://ftp.dep.state.fl.us/pub/reports/62-701/FloridaSWRegulations\\_eff02-16-1946.pdf](ftp://ftp.dep.state.fl.us/pub/reports/62-701/FloridaSWRegulations_eff02-16-1946.pdf) (last visited Feb. 28, 2014).

<sup>2</sup> See ch. 74-342, Laws of Fla.

The Legislature enacted the Solid Waste Management Act (SWMA) in 1988, which created the framework for the state's recycling efforts. The SWMA set a goal to reduce the disposal of municipal solid waste by 30 percent by the end of 1994.<sup>3</sup> The SWMA required the Department of Environmental Protection (DEP) to implement the solid waste program, adopt rules related to the program, and manage grant programs. The Florida Department of Education was tasked with developing, distributing, and promoting guidelines for the collection of recyclables and the reduction of solid wastes in schools. The disposal reduction goal resulted in significant public and private investment in recycling, and by 1993 Florida led the nation in municipal solid waste reuse.<sup>4</sup>

In 2001, the Legislature amended s. 403.7185, F.S., which required the DEP to review the state's waste reduction goals and recycling efforts and submit a report to the Legislature.<sup>5</sup> The report found the rate of municipal solid waste recycling had dropped below 30 percent to an average of 28 percent. The report proposed alternatives to improve the state's recycling programs; however, the recommendations were never implemented.<sup>6</sup>

The Legislature created s. 403.7032, F.S., in 2008, which established a 75 percent recycling goal to be achieved by 2020 and required the DEP to develop a program to achieve this goal and submit it to the Legislature for approval. The report was submitted in January 2010 and recommended the following:<sup>7</sup>

- Require each state agency to meet the 75 percent goal and report the total expenditures on purchases of material with recycled content to the Department of Management Services (DMS);
- Require the DEP to develop a website for DMS to use for recycling education;
- Apply the new recycling goal to counties with a population greater than 100,000 and cities with a population greater than 50,000;
- Require commercial recycling in counties with a population greater than 100,000 and cities with a population greater than 50,000;
- Increase recycling education in K-12 public schools;
- Direct all local school districts to implement recycling programs;
- Require all construction and demolition debris be processed at a materials recovery facility prior to disposal;
- Create a recycling grants or revolving loan program for local governments to aid in reaching a 75 percent recycling goal for their jurisdictions; and
- Create a recycling business assistance center to promote markets for recyclable organic and inorganic municipal solid waste materials.

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<sup>3</sup> See ch. 88-130, Laws of Fla.

<sup>4</sup> Solid Waste Authority of Palm Beach County, *White Paper: Meeting the Future, Evaluating the Potential of Waste Processing Technologies to Contribute to the Solid Waste Authority's System* (2009), available at [http://www.swa.org/pdf/SWAPBC\\_White\\_Paper\\_9-2-09.pdf](http://www.swa.org/pdf/SWAPBC_White_Paper_9-2-09.pdf) (last visited Feb. 28, 2014).

<sup>5</sup> See ch. 2001-224, Laws of Fla.

<sup>6</sup> DEP, *Florida's Recycling and Litter Programs, Current Status and Potential Future Directions* (2001), available at [http://www.dep.state.fl.us/waste/quick\\_topics/publications/shw/recycling/hb9.pdf](http://www.dep.state.fl.us/waste/quick_topics/publications/shw/recycling/hb9.pdf) (last visited Feb. 28, 2014).

<sup>7</sup> DEP, *75% Recycling Goal Report to the Legislature* (2010), <http://dep.state.fl.us/waste/recyclinggoal75/pages/report.htm> (last visited Feb. 28, 2014).

In 2010, the Legislature created s. 403.7032, F.S., which required all cities, counties, state entities, and public schools to report the amount of recycled materials to the county. The bill directed the DEP to create a reporting format to be used by cities, counties, state entities, and public schools. The bill also provided specific recycling goals and benchmarks counties had to achieve by 2020.<sup>8</sup>

The K-12 public schools reporting requirement in s. 403.7032, F.S., was repealed in 2013. The DEP had not yet adopted the reporting format by rule, therefore, school district superintendents requested that K-12 provision be removed from statute.<sup>9</sup> The DEP adopted the recycling reporting format in December 2013; however, all references to K-12 requirements were removed from the rule.<sup>10</sup>

### **Paper Recycling**

Paper and paperboard products are the largest components of the municipal solid waste stream in the country. Approximately 70 million tons of paper is used each year and approximately 66 percent of it (46 million tons) is recycled. There are many environmental benefits to recycling paper including:<sup>11</sup>

- Reductions in greenhouse gas emissions;
- Reductions in energy and water consumption; and
- Decreases in the need for disposal in a landfill or incineration.

Florida K-12 schools are not required to develop or implement recycling programs; however, many K-12 schools have established some type of recycling program. In 2009, the DEP, in partnership with the Florida Department of Education, Sustainable Florida, and Florida's Foundation, established the Florida Green School Award to recognize the environmental accomplishments of students and schools.<sup>12</sup> The Florida Green School Network was established in 2011 to act as a clearinghouse for the green school participants. Schools participating in the program have generated approximately \$66 million in gross cost savings.<sup>13</sup>

The DEP does not have data available on the number of school districts that currently recycle paper or the amount of paper that is recycled on a yearly basis. However, the DEP was able to provide paper recycling figures reported by school districts from Pinellas, Pasco, and Palm Beach Counties.<sup>14</sup> The revenue estimates provided are based on the estimated market rate of

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<sup>8</sup> See ch. 2010-143, Laws of Fla.

<sup>9</sup> See ch. 2013-185, Laws of Fla., and The Florida Senate, Comm. on Education, *Senate Bill CS/SB 1096 Staff Analysis*, (Mar. 15, 2013), available at <http://www.flsenate.gov/Session/Bill/2013/1096/Analyses/2013s1096.rc.PDF> (last visited Feb. 28, 2014).

<sup>10</sup> See Rule 62-716, F.A.C.

<sup>11</sup> Env. Protection Agency, *Paper Recycling*, <http://www.epa.gov/epawaste/consERVE/materials/paper/basics/index.htm> (last visited Feb. 28, 2014).

<sup>12</sup> DEP, *Florida Green School Awards*, <http://dep.state.fl.us/secretary/ed/schools/about.htm> (last visited Feb. 28, 2014).

<sup>13</sup> Florida Green School Network, *About Us*, <http://www.floridagreenschoolnetwork.org/about-us/> (last visited Feb. 28, 2014).

<sup>14</sup> DEP, *Senate Bill 622 Agency Analysis* (Feb. 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

\$26.25 per ton of paper products.<sup>15</sup> Pinellas County school district recycled 3,987 tons of paper in 2011, providing \$104,000 in revenues. Zephyrhills Elementary School in Pasco County collected 14.6 tons of paper during the 2012-2013 school year, providing \$380 in recycling revenues. The top ten recycling schools in Palm Beach County collected approximately 157 tons of paper, providing \$4,120 in estimated recycling revenues.<sup>16</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 403.7147, F.S., to require each district school board to develop a paper recycling program in all classrooms. The bill defines “paper” as cellulosic material containing, by weight or volume, less than 10 percent noncellulosic material. The term includes newspaper, high-grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper, and duplicator paper. The bill defines “paper product” as a paper article or commodity, including a paper napkin, paper towel, or cardboard.

The bill requires each district school board to adopt rules establishing the procedure for the collection and disposition of paper and paper products collected for recycling.

The bill exempts confidential documents, if there is an additional cost to recycle them. It also exempts school districts or schools within a school district if the cost to recycle paper and paper products is unreasonable or would place an undue burden on the operations of the district or the school.

The bill specifies that money received by the school district for the recycling of paper or paper products must be deposited into the school district’s general fund.

**Section 2** provides an effective date of July 1, 2014.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

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<sup>15</sup> *Id.* at 4. The DEP estimated the recycling revenues based on the market rate of paper recycling in February 2014 multiplied by the amount of paper products recycled by the school or school district.

<sup>16</sup> *Id.*

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

None.

**B. Private Sector Impact:**

Revenues may increase for recovered materials dealers from the sale of the recycled paper.<sup>17</sup> Conversely, revenues may decrease for solid waste management companies as the amount of paper being disposed of is reduced. The direct impacts cannot be determined at this time.

**C. Government Sector Impact:**

The school districts and schools that participate in paper recycling would realize a cost savings based on the current average municipal solid waste landfill tipping fee of \$44 per ton versus the market rate to recycle at \$26.50 per ton. The cost savings and revenues will fluctuate based on the market rate of paper recycling and landfill tipping fees.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill does not provide penalties for school districts that fail to adopt rules and implement a paper recycling program. The bill also does not provide a process for determining whether or not a school or school district qualifies for an exemption.<sup>19</sup>

**VIII. Statutes Affected:**

This bill creates section 403.7147 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.

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

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<sup>17</sup> *Id.* at 3.

<sup>18</sup> *Supra* note 7, at 2.

<sup>19</sup> *Supra* note 14, at 3.

By Senator Clemens

27-00732-14

2014622\_\_

1                   A bill to be entitled  
2       An act relating to paper recycling; creating s.  
3       403.7147, F.S.; defining terms; requiring each  
4       district school board to develop a paper recycling  
5       program to be implemented within each classroom of the  
6       school district; requiring each district school board  
7       to adopt rules; authorizing exemptions; requiring  
8       money received for the recycling of paper or paper  
9       products to be deposited into the school district's  
10      general fund; providing an effective date.

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

13  
14       Section 1. Section 403.7147, Florida Statutes, is created  
15 to read:

16       403.7147 Public school paper recycling program.-

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

18       (a) "Paper" means cellulosic material that contains, by  
19 weight or volume, less than 10 percent noncellulosic material.  
20 The term includes newspaper, high-grade office paper, fine  
21 paper, bond paper, offset paper, xerographic paper, mimeo paper,  
22 and duplicator paper.

23       (b) "Paper product" means a paper article or commodity,  
24 including a paper napkin, paper towel, or cardboard.

25       (2) PAPER RECYCLING PROGRAM.-Each district school board  
26 shall develop a districtwide paper recycling program to be  
27 implemented in all classrooms and adopt rules establishing the  
28 procedure for the collection and disposition of paper and paper  
29 products collected for recycling.

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30 (3) EXEMPTIONS.—A district school board may exempt from a  
31 paper recycling program any of the following:

32 (a) Confidential documents, if there is an additional cost  
33 for recycling such documents.

34 (b) The school district, if the school board determines  
35 that the cost to recycle paper and paper products for the  
36 district is unreasonable or would place an undue burden on the  
37 operations of the district.

38 (c) A particular school within the district, if the  
39 district school board determines that the cost to recycle paper  
40 and paper products for the school is unreasonable or would place  
41 an undue burden on the operations of the school.

42 (4) MONEYS RECEIVED.—Money received by a school district  
43 for the recycling of paper or paper products shall be deposited  
44 into the school district's general fund.

45 Section 2. This act shall take effect July 1, 2014.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Environmental Preservation and Conservation

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BILL: CS/SB 1094

INTRODUCER: Environmental Preservation and Conservation Committee and Senator Dean

SUBJECT: Aquatic Preserves

DATE: March 6, 2014

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

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION        |
|----|---------|----------------|-----------|---------------|
| 1. | Gudeman | Uchino         | EP        | <b>Fav/CS</b> |
| 2. |         |                | AGG       |               |
| 3. |         |                | AP        |               |

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1094 designates the coastal region of Pasco, Hernando, and Citrus Counties as the Nature Coast Aquatic Preserve (preserve) and provides legislative intent. The bill provides the Board of Trustees (BOT) with the authority to maintain the preserve in a manner that is in the public interest. The bill specifies authorized and prohibited activities within the preserve. The bill requires the BOT to adopt and enforce rules related to the management and preservation of the preserve. It also specifies that the creation of the preserve shall not infringe upon the riparian rights of adjacent property owners. The bill provides for civil penalties and specifies the preserve is subject to ss. 403.501-403.518, F.S.

**II. Present Situation:**

**Aquatic Preserves**

The Florida Aquatic Preserve Act was enacted in 1975 to set aside and protect state-owned submerged lands that have “exceptional biological, aesthetic, and scientific value.”<sup>1</sup> There are 41 aquatic preserves protecting approximately 2.2 million acres in Florida.<sup>2</sup>

Aquatic preserves serve many valuable ecological and economic functions. The aquatic preserves provide nurseries for juvenile fish and other aquatic life, maintain water quality, and

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<sup>1</sup> See ss. 258.35-258.394 and 258.40-258.46, F.S.

<sup>2</sup> DEP, *Florida's Aquatic Preserves*, <http://www.dep.state.fl.us/coastal/programs/aquatic.htm> (last visited Mar. 3, 2014).

provide habitat for shorebirds. The aquatic preserves are also valuable tourist destinations, providing a host of outdoor activities such as fishing, diving, snorkeling, swimming, bird watching, and boating.<sup>3</sup>

The Department of Environmental Protection (DEP) is responsible for managing the state's aquatic preserves by maintaining a healthy balance of resource protection and promoting public access to the preserves.<sup>4</sup> The DEP adopted Chapters 18-18 and 18-20, Florida Administrative Code, which specify the additional resource protections, management criteria, and regulations related to human activity that are permitted within an aquatic preserve.

### **The Nature Coast**

“The Nature Coast” is located along Florida's Big Bend region and encompasses 980,000 acres across eight counties (Citrus, Dixie, Hernando, Jefferson, Pasco, Levy, Taylor, and Wakulla).<sup>5</sup> This area is a sanctuary for 19 endangered species<sup>6</sup> and has many natural resources, including mangroves, spring fed rivers, limestone outcroppings, sandy beaches, oyster bars, mud flats, and seagrass beds.<sup>7</sup> There are two designated aquatic preserves within the Nature Coast: the Big Bend Seagrass Aquatic Preserve, which extends from St. Marks to Cedar Key, and the St. Martins Marsh Aquatic Preserve, which extends from Crystal Bay through Homosassa Bay. The Nature Coast is bordered to the south by the Pinellas County Aquatic Preserve. The area between the Big Bend Seagrass Aquatic Preserve and the Pinellas County Aquatic Preserve, with the exception of the St. Martins Marsh Aquatic Preserve, is an undesignated shoreline consisting of Pasco, Hernando, and Citrus Counties.

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

**Section 1** creates s. 258.3991, F.S., to designate the Nature Coast Aquatic Preserve under the Florida Aquatic Preserve Act of 1975. The boundaries of the preserve are the area of state-owned submerged lands lying west of the west right-of-way line of U.S. Highway 19 within Pasco, Citrus, and Hernando Counties, bordering St. Martins Marsh Aquatic Preserve. (See map on next page.)

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<sup>3</sup> DEP, *Florida's Aquatic Preserves, Protecting our most Valuable Resource: A Program Overview*, available at [http://www.dep.state.fl.us/coastal/downloads/Aquatic\\_Preserve\\_Overview\\_Jun06.pdf](http://www.dep.state.fl.us/coastal/downloads/Aquatic_Preserve_Overview_Jun06.pdf) (last visited Mar. 3, 2014).

<sup>4</sup> See ss. 258.35-258.394 and 258.40-258.46, F.S.

<sup>5</sup> Nature Coast Coalition, *Nature Coast*, <http://www.naturecoastcoalition.com/nchistory.htm> (last visited Mar. 3, 2014).

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

<sup>7</sup> DEP, *Senate Bill 1094 Agency Analysis* (Mar. 3, 2014) (on file with the Senate Committee on Environmental Preservation and Conservation).

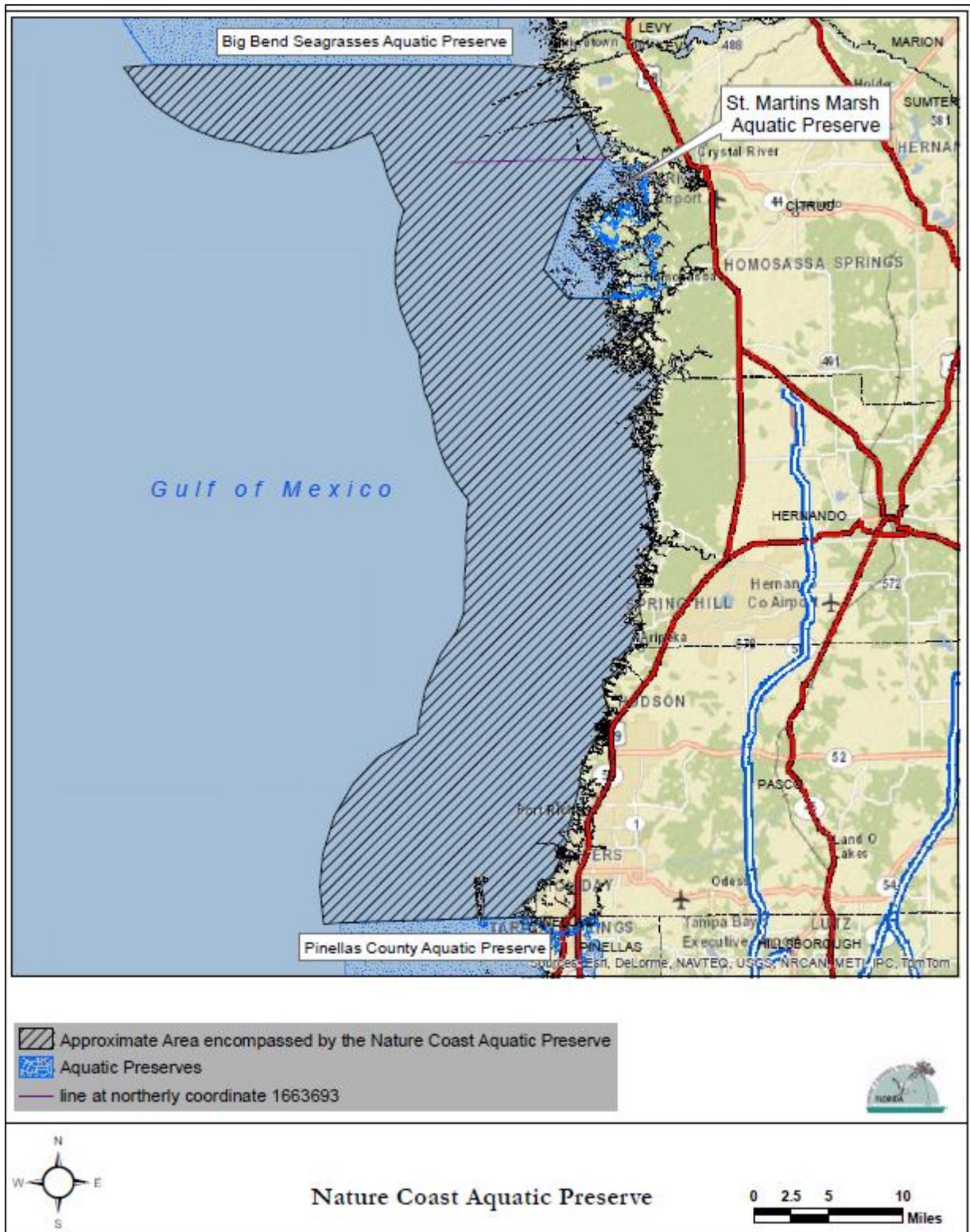


Figure 1: Nature Coast Aquatic Preserve.

The bill specifies the Nature Coast Aquatic Preserve includes the submerged bottom lands, the water column, and the publicly owned lands within the boundaries of the preserve. Privately owned uplands are excluded unless the private landowner negotiates an arrangement with the BOT to have the uplands included in the preserve.

The bill authorizes the BOT to maintain the preserve according to the following provisions:

- The sale, transfer, or lease of the sovereignty submerged lands may not be approved by the BOT unless there is extreme hardship by the applicant and the sale, transfer, or lease is in the public interest; and
- Dredging or filling of submerged lands within the aquatic preserve may not be approved except:
  - For existing navigation projects, as a public necessity, or for the preservation of the preserve;
  - For physical alterations necessary to enhance the quality and utility of the preserve;
  - For the construction and maintenance of marinas, piers, or docks, and the maintenance of existing attendant navigation channels and access roads; and
  - If the BOT determines that dredging is necessary to eliminate hazardous conditions, to the public health, or to enhance the aesthetic and environmental quality and utility of the preserve.

The bill specifies that the BOT must provide public notice prior to any dredging or filling activities as required under s. 253.115, F.S.

The bill prohibits drilling wells, excavating for shells or minerals, or erecting structures in the preserve. The bill also prohibits the BOT from approving the seaward relocation of bulkhead lines, or further establishment of bulkhead lines except when located at the mean high water line. The BOT may only approve construction, replacement, or relocation of a seawall within the preserve through a letter of consent.

The bill authorizes the BOT to:

- Enter into agreements to establish lines delineating sovereignty lands and privately owned lands;
- Enter into agreements to exchange sovereignty lands for privately owned lands;
- Accept gifts of land within or contiguous to the aquatic preserve;
- Enter into agreements with owners of lands contiguous to public lands for public or private use of lands;
- Take action that is necessary to accomplish the purpose of the act;
- Conduct restoration and enhancement efforts in the aquatic preserves; and
- Stabilize eroding shorelines that are contributing to turbidity by planting natural vegetation and placing riprap.

The bill requires the BOT to adopt and enforce rules to carry out the act and specifies that the rules include:

- Additional preserve management criteria as necessary; and
- Regulation of human activities within the aquatic preserve that do not interfere with traditional public uses.

The bill specifies the establishment or management of the preserve may not infringe on the riparian rights of upland property owners. It also authorizes the BOT or the DEP to make improvements for ingress and egress, mosquito control, shore protection, public utility expansion, or other similar activities and requires the BOT the DEP to give public notice as required under s. 253.115, F.S. The bill provides civil penalties in accordance with s. 403.412, F.S., and specifies that act is subject to ss. 403.501-403.518, F.S., the “Florida Electrical Plant Siting Act.”

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The creation of the Nature Coast Aquatic Preserve would limit the type of private and commercial development that may have been authorized prior to the establishment of the aquatic preserve. The impact to the private sector is indeterminate and may be offset by increased tourism.

C. Government Sector Impact:

The DEP Florida Coastal Office will manage the aquatic preserve with existing staff and resources in the area; therefore, there are no costs associated with the designation of the preserve.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 258.3991 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 Environmental Preservation and Conservation on March 6, 2014:**

The committee substitute resolves the technical deficiency that was present in the bill by allowing construction of a dock, pier, or marina within the aquatic preserve.

- B. **Amendments:**

None.



848718

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 03/07/2014 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

---

The Committee on Environmental Preservation and Conservation  
(Dean) recommended the following:

**Senate Amendment**

Delete lines 70 - 71  
and insert:  
authorized for the creation and maintenance of marinas, piers,  
or docks and the maintenance of existing attendant navigation  
channels and access roads.

By Senator Dean

5-01147-14

20141094\_\_

1                   A bill to be entitled  
2           An act relating to aquatic preserves; creating s.  
3           258.3991, F.S.; creating the Nature Coast Aquatic  
4           Preserve; designating the preserve for inclusion in  
5           the aquatic preserve system; describing the boundaries  
6           of the preserve; outlining the authority of the Board  
7           of Trustees of the Internal Improvement Trust Fund in  
8           respect to the preserve; requiring the board to adopt  
9           rules to carry out this section; prohibiting the  
10          establishment and management of the preserve from  
11          infringing upon the riparian rights of upland property  
12          owners adjacent to or within the preserve; providing  
13          for enforcement and applicability; providing an  
14          effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Section 258.3991, Florida Statutes, is created  
19 to read:

20           258.3991 Nature Coast Aquatic Preserve.—

21           (1) DESIGNATION.—The following described area in Pasco,  
22 Hernando, and Citrus Counties is designated by the Legislature  
23 for inclusion in the aquatic preserve system under the Florida  
24 Aquatic Preserve Act of 1975 and shall be known as the "Nature  
25 Coast Aquatic Preserve." It is the intent of the Legislature  
26 that the Nature Coast Aquatic Preserve be preserved in an  
27 essentially natural condition so that its biological and  
28 aesthetic value may endure for the enjoyment of future  
29 generations.

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30       (2) BOUNDARIES.—

31       (a) For the purpose of this section, the Nature Coast  
32 Aquatic Preserve consists of the state-owned submerged lands  
33 lying west of the west right-of-way line of U.S. Highway 19  
34 within the boundaries of Pasco County, as described in s. 7.51,  
35 Hernando County, as described in s. 7.27, and Citrus County, as  
36 described in s. 7.09, to the south boundary of St. Martins Marsh  
37 Aquatic Preserve, as described in s. 258.39(20), and the  
38 westerly projection thereof, and also including all the state-  
39 owned submerged lands within Citrus County lying west of the  
40 west boundary of St. Martins Marsh Aquatic Preserve, lying north  
41 of the westerly projection of the south boundary of St. Martins  
42 Marsh Aquatic Preserve, and lying south of a line extending  
43 westerly along northerly coordinate 1663693 feet, Florida West  
44 Zone (NAD83).

45       (b) The Nature Coast Aquatic Preserve includes the  
46 submerged bottom lands, the water column upon such lands, and  
47 all publicly owned islands within the boundaries of the  
48 preserve. Any privately owned upland within the boundaries of  
49 the preserve is excluded. However, the board may negotiate an  
50 arrangement with the owner of any privately owned upland by  
51 which such upland may be included in the preserve.

52       (3) AUTHORITY OF TRUSTEES.—The board shall maintain the  
53 Nature Coast Aquatic Preserve subject to the following:

54       (a) Further sale, transfer, or lease of sovereignty  
55 submerged lands in the preserve may not be approved or  
56 consummated by the board, except upon a showing of extreme  
57 hardship on the part of the applicant and a determination by the  
58 board that such sale, transfer, or lease is in the public

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59 interest.

60 (b) Further dredging or filling of submerged lands of the  
61 preserve may not be approved by the board except:

62 1. Minimum dredging and spoiling of submerged lands may be  
63 authorized for existing public navigation projects, as a public  
64 necessity, or for preservation of the preserve according to the  
65 expressed intent of this section.

66 2. Other alteration of the physical conditions of submerged  
67 lands, including the placement of riprap, may be authorized as  
68 necessary to enhance the quality and utility of the preserve.

69 3. Minimum dredging and filling of submerged lands may be  
70 authorized for the maintenance of existing marinas, piers, or  
71 docks and their attendant navigation channels and access roads.  
72 Such projects may be authorized only upon a specific finding by  
73 the board that there is assurance that the project will be  
74 constructed and operated in a manner that will not adversely  
75 affect the water quality and utility of the preserve. This  
76 subparagraph does not authorize the connection of upland canals  
77 to the waters of the preserve.

78 4. Dredging of submerged lands may be authorized if the  
79 board determines that such dredging is necessary for eliminating  
80 conditions hazardous to the public health or for eliminating  
81 stagnant waters, islands, and spoil banks and that such dredging  
82 would enhance the aesthetic and environmental quality and  
83 utility of the preserve and is clearly in the public interest as  
84 determined by the board.

85 (c) Before approving any dredging or filling as provided in  
86 paragraph (b), the board must give public notice of such  
87 dredging or filling as required under s. 253.115.

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88 (d) There may not be any drilling of wells, excavation for  
89 shell or minerals, or erection of structures other than docks  
90 within the preserve unless such activity is associated with an  
91 activity that is authorized under this section.

92 (e) The board may not approve any seaward relocation of  
93 bulkhead lines or further establishment of bulkhead lines except  
94 when a proposed bulkhead line is located at the line of mean  
95 high water along the shoreline. Construction, replacement, or  
96 relocation of a seawall is prohibited without the approval of  
97 the board, which may be granted only if riprap construction is  
98 used in the seawall. The board may grant approval under this  
99 paragraph by a letter of consent.

100 (f) Notwithstanding other provisions of this section, the  
101 board may, for lands lying within the Nature Coast Aquatic  
102 Preserve:

103 1. Enter into agreements for and establish lines  
104 delineating sovereignty lands and privately owned lands.

105 2. Enter into agreements for the exchange of, and exchange,  
106 sovereignty lands for privately owned lands.

107 3. Accept gifts of land within or contiguous to the  
108 preserve.

109 4. Negotiate or enter into agreements with owners of lands  
110 contiguous to public lands for any public or private use of such  
111 lands.

112 5. Take any action convenient for, or necessary to, the  
113 accomplishment of any of the acts and matters authorized under  
114 this paragraph.

115 6. Conduct restoration and enhancement efforts in the  
116 preserve and its tributaries.

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117       7. Stabilize eroding shorelines of the preserve and its  
118 tributaries which are contributing to turbidity by planting  
119 natural vegetation to the greatest extent feasible and by the  
120 placement of riprap, as determined by Pasco, Hernando, and  
121 Citrus Counties in conjunction with the Department of  
122 Environmental Protection.

123       (4) RULES.—

124       (a) The board shall adopt and enforce reasonable rules to  
125 carry out this section and to provide:

126       1. Additional preserve management criteria as necessary to  
127 accommodate special circumstances.

128       2. Regulation of human activity within the preserve in such  
129 a manner as not to interfere unreasonably with lawful and  
130 traditional public uses of the preserve, such as sport fishing,  
131 commercial fishing, boating, and swimming.

132       (b) Other uses of the preserve or human activity within the  
133 preserve, although not originally contemplated, may be  
134 authorized by the board, but only subsequent to a formal finding  
135 of compatibility with the purposes of this section.

136       (5) RIPARIAN RIGHTS.—The establishment or the management of  
137 the Nature Coast Aquatic Preserve may not operate to infringe  
138 upon the riparian rights of upland property owners adjacent to  
139 or within the preserve. Reasonable improvement for ingress and  
140 egress, mosquito control, shore protection, public utility  
141 expansion, and similar purposes may be authorized by the board  
142 or the Department of Environmental Protection, subject to any  
143 other applicable laws under the jurisdiction of other agencies.  
144 However, before approving any such improvements, the board or  
145 the department must give public notice as required under s.

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146 253.115.

147 (6) ENFORCEMENT.—This section may be enforced in accordance  
148 with s. 403.412. In addition, the Department of Legal Affairs  
149 may bring an action for civil penalties of \$5,000 per day  
150 against a person as defined in s. 1.01 who violates this section  
151 or any rule or regulation issued hereunder.

152 (7) APPLICABILITY.—This section is subject to the “Florida  
153 Electrical Power Plant Siting Act” as described in ss. 403.501-  
154 403.518.

155 Section 2. This act shall take effect July 1, 2014.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR ANDY GARDINER**  
13th District

**COMMITTEES:**  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development, *Chair*  
Appropriations  
Appropriations Subcommittee on Finance and Tax  
Environmental Preservation and Conservation  
Ethics and Elections  
Gaming  
Judiciary  
Military Affairs, Space, and Domestic Security  
Rules

**JOINT COMMITTEE:**  
Joint Legislative Budget Commission

March 5, 2014

The Honorable Charles Dean, Chair  
Committee on Environmental Preservation and Conservation  
325 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Chair Dean:

I am writing to respectfully request that I be excused from the Committee on Environmental Preservation and Conservation meeting scheduled for Wednesday, March 5, 2014. I have a prior commitment and will not be able to attend.

If you have any questions regarding this request, please do not hesitate to call my office. Thank you for your time and consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy Gardiner".

Senator Andy Gardiner

AG:gh

A large, stylized handwritten signature in black ink, appearing to read "Charles Dean".

Cc: Mr. Pepper Uchino, Staff Director  
Ms. Kim Bonn, Administrative Assistant

**REPLY TO:**

- 1013 East Michigan Street, Orlando, Florida 32806 (407) 428-5800
- 420 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/14  
Meeting Date

Topic SENARLES Bill Number 340 (if applicable)  
Name DAVID CULLEN Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title \_\_\_\_\_  
Address 1674 UNIVERSITY Phone 941.333.2404

SARASOTA FL 34243  
City State Zip

Speaking:  For  Against  Information  
Representing SENATE UNIVERSITY

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date \_\_\_\_\_

Topic SHARKS Bill Number SB 540 (if applicable)

Name KERRY SAWSON Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title \_\_\_\_\_

Address PO Box 700 Phone 321-973-8312

Cocoa FL 32923 E-mail FISHAWK @ AOL.COM  
City State Zip

Speaking:  For  Against  Information

Representing ORGANIZED FISHERMEN OF FL.

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3-6-14  
Meeting Date

Topic Shark Finning Bill Number 540  
(if applicable)

Name Bob Harris Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address 2618 Contanniel Plaw Phone 922-0720  
844 Street FL State 32308 Zip  
Lawflc.com E-mail

Speaking:  For  Against  Information

Representing DEMA - Diving Equipment & Marketing Assn.

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/14  
Meeting Date

1

Topic Shawna Bill Number SB 540 (if applicable)  
Name Preston Robertson Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title VP/General Counsel  
Address PO B 6870 Phone 656-7113

Tall, FL 32301  
Street City State Zip  
E-mail \_\_\_\_\_

Speaking:  For  Against  Information  
Representing Florida Wildlife Federation

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

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

This form is part of the public record for this meeting. S-001 (10/20/11)

2

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/14  
Meeting Date

Topic Recycling Bill Number SB 622  
Name Preston Robertson Amendment Barcode \_\_\_\_\_  
Job Title VP / General Counsel Phone 656-7113  
Address POB 6870 E-mail \_\_\_\_\_  
Street City State Zip

Tall FL 32301  
City State Zip

Speaking:  For  Against  Information  
Representing Florida Wildlife Federation

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

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

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/14  
Meeting Date

Topic FARE KEYWORD Bill Number 622 (if applicable)  
Name DAVID C. GUELL Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title \_\_\_\_\_

Address 674 UNIVERSITY Phone 941.323.2404  
SARASOTA FL 34243 E-mail cd@conserve.com  
City State Zip

Speaking:  For  Against  Information

Representing SARAH C. GUELL

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/14  
Meeting Date

Topic Paper Recycling Bill Number 622  
*(if applicable)*

Name Isifer Hasan Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Student

Address 10923 Cypress Lakes Preserve Drive Phone (561) 968-9905

Wellington FL 33499  
City State Zip

Speaking:  For  Against  Information

Representing Senator Clemens

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/14

Meeting Date

Topic Paper Recycling

Bill Number 622

(if applicable)

Name Nitai Patel

Amendment Barcode

(if applicable)

Job Title Student

Address 125 Woodlake Circle

Phone (561)-965-8924

Street

City Greenacres

State FL

Zip 33463

E-mail nitai5@live.com

Speaking:  For  Against  Information

Representing Senator Clemens

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/14  
Meeting Date

Topic ROBERTO PRESERES Bill Number 1094  
(if applicable)

Name DAVID CULLEN Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title \_\_\_\_\_

Address 674 UNIVERSITY Phone 747-333-2404

SARASOTA City State Zip E-mail CULLEN@SENATE.FL.GOV

Speaking:  For  Against  Information

Representing SENATE COUNCIL

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

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

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APPEARANCE RECORD

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

Meeting Date: March 2014

Topic: Agwater Programs Bill Number: 1094 (if applicable)  
Name: Janet Bowman (Bowman) Amendment Barcode: \_\_\_\_\_ (if applicable)  
Job Title: Director of Legislative Policy & Strategies  
Address: 625 N. Adams Street Phone: 257-9406

Street: Tallahassee, FL 32301 E-mail: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Speaking:  For  Against  Information  
Representing: The Nature Conservancy / Florida Coarcs / Ditch Coarcs

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

Waive in Support

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/14 Meeting Date

Topic Aquatic Preserve Bill Number SB 1094 (if applicable)

Name Preston Robertson Amendment Barcode \_\_\_\_\_ (if applicable)

Job Title VP/General Counsel

Address POB 6870 Phone 656-7113

Tall, FL 32301 E-mail \_\_\_\_\_  
Street City State Zip

Speaking:  For  Against  Information

Representing Florida Wildlife Federation

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

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

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

# CourtSmart Tag Report

**Room:** EL 110  
**Case:** Senate Environmental Preservation Committee

**Type:**  
**Judge:**

**Started:** 3/6/2014 9:02:24 AM  
**Ends:** 3/6/2014 9:21:48 AM **Length:** 00:19:25

9:02:26 AM Call to order  
9:03:51 AM Senator Latvala  
9:04:27 AM Tab 1 SB 540 Senator Simmons  
9:04:53 AM Amendment 1 barcode 895026  
9:06:15 AM Speaker Preston Robertson representing Florida Wildlife Federation  
9:06:32 AM Speaker Bob Harris representing DEMA  
9:08:49 AM Roll call on SB 540  
9:08:55 AM Bill passes  
9:09:05 AM Tab 2 SB 622 Senator Clemens and speakers Nitai Patel and Ishfer Hasan  
9:13:55 AM Roll call on SB 622  
9:14:54 AM Bill passes  
9:15:19 AM Tab 3 SB 1094 Senator Dean  
9:15:43 AM Amendment 1 barcode 848718  
9:16:24 AM Senator Dean  
9:16:55 AM Senator Soto  
9:18:12 AM Speaker Preston Robertson representing DEMA  
9:18:44 AM Speaker Janet Baughman representing The Nature Conservancy  
9:19:19 AM Speaker David Cullen representing Sierra Club Florida  
9:20:22 AM Roll call on SB 1094  
9:21:00 AM Bill passes  
9:21:06 AM Adjournment