

Agenda Order

Tab 1	CS/SB 32 by EN, Garcia (CO-INTRODUCERS) Avila ; (Identical to H 01581) Mangrove Replanting and Restoration
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Tab 2	SB 92 by Hooper ; (Similar to CS/H 00095) Yacht and Ship Brokers' Act
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Tab 3	SB 106 by Jones ; (Identical to H 00035) Acceptance of Cash Payments by Businesses
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683252	A	S	RCS	AEG, Jones	btw L.31 - 32:	01/17 02:59 PM
897838	A	S	RCS	AEG, Jones	btw L.40 - 41:	01/17 02:59 PM
668560	A	S	RCS	AEG, Jones	btw L.52 - 53:	01/17 02:59 PM
572756	A	S	RCS	AEG, Jones	btw L.52 - 53:	01/17 02:59 PM

Tab 4	SB 304 by Hooper ; (Similar to H 00367) Household Moving Services
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Tab 5	SB 480 by DiCeglie ; (Similar to H 00683) Renewable Natural Gas
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS COMMITTEE ON AGRICULTURE,
 ENVIRONMENT, AND GENERAL GOVERNMENT**

Senator Brodeur, Chair
Senator Berman, Vice Chair

MEETING DATE: Wednesday, January 17, 2024
TIME: 1:30—3:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Brodeur, Chair; Senator Berman, Vice Chair; Senators Boyd, Garcia, Grall, Mayfield, Osgood, Polsky, Rodriguez, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 32 Environment and Natural Resources / Garcia (Identical H 1581)	Mangrove Replanting and Restoration; Requiring the Department of Environmental Protection to adopt rules for mangrove replanting and restoration; providing requirements for the rules; requiring the department, in consultation with the Division of Insurance Agent and Agency Services, to conduct a statewide feasibility study regarding the use of mangroves and other nature-based solutions in order to improve a local government's community rating for flood insurance purposes, etc. EN 12/06/2023 Fav/CS AEG 01/17/2024 Favorable RC	Favorable Yeas 10 Nays 0
2	SB 92 Hooper (Similar CS/H 95)	Yacht and Ship Brokers' Act; Revising the definition of the term "yacht"; exempting a person who conducts business as a broker or salesperson in another state from licensure in this state for specified transactions; requiring, rather than authorizing, the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation to deny licenses for applicants who fail to meet certain requirements, etc. RI 12/06/2023 Favorable AEG 01/17/2024 Favorable FP	Favorable Yeas 10 Nays 0
3	SB 106 Jones (Identical H 35)	Acceptance of Cash Payments by Businesses; Requiring certain businesses to accept cash payments for certain transactions; prohibiting such businesses from charging a fee or placing conditions on acceptance of such cash payments; providing penalties for violations of the act, etc. CM 12/05/2023 Favorable AEG 01/17/2024 Fav/CS FP	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Committee on Agriculture, Environment, and General Government
Wednesday, January 17, 2024, 1:30—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 304 Hooper (Similar H 367)	Household Moving Services; Revising requirements for mover and moving broker estimates, contracts, and advertisements; prohibiting certain persons from operating as or holding themselves out to be a mover or moving broker without first registering with the department; revising alternative insurance coverage requirements for movers; requiring moving brokers to make a specified disclosure to shippers before providing any services, etc. CM 12/05/2023 Favorable AEG 01/17/2024 Favorable FP	Favorable Yeas 10 Nays 0
5	SB 480 DiCeglie (Similar H 683)	Renewable Natural Gas; Authorizing a public utility to recover prudently incurred renewable natural gas infrastructure project costs through an appropriate Florida Public Service Commission cost-recovery mechanism; specifying eligible renewable natural gas infrastructure projects; revising the required contents of a basin management action plan for an Outstanding Florida Spring to include identification of certain water quality improvement projects; encouraging counties and municipalities to develop regional solutions to certain energy issues; authorizing the farm-to-fuel initiative to address the production and capture of renewable natural gas, etc. RI 01/09/2024 Favorable AEG 01/17/2024 Favorable FP	Favorable Yeas 10 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.)

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 32

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

SUBJECT: Mangrove Replanting and Restoration

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 32 requires the Florida Department of Environmental Protection (DEP) to adopt rules for mangrove replanting and restoration. The bill requires the rules to:

- Address significant erosion in areas of critical state concern;
- Protect barrier and spoil islands;
- Assist Everglades restoration and Biscayne Bay revitalization efforts;
- Promote public awareness of the value of mangroves;
- Identify vulnerable properties along the coastline and encourage partnerships with local governmental entities to create mangrove protection and restoration zone programs;
- Protect and maintain access to the navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway;
- Create permitting incentives and encourage the use of new strategies for living shorelines and nature-based features; and
- Encourage partnerships with local governmental entities to create projects for coastal protection through the Resilient Florida Grant Program.

The bill also requires the DEP to conduct a statewide feasibility study to determine the value of mangroves and other nature-based solutions for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program's Community Rating System. The DEP must submit a report of the study's findings to the Governor and Legislature by July 1, 2025.

The bill has an indeterminate fiscal impact on state revenues and expenditures. See Section V. Fiscal Impact Statement.

This bill has an effective date of July 1, 2024.

II. Present Situation:

Mangroves

Mangrove forests are a distinct saltwater woodland that thrive in tidal estuaries and low-energy shorelines throughout the tropics and sub-tropics. Florida is home to three types of native mangrove species—red (*Rhizophora mangle*), black (*Avicennia germinans*), and white (*Laguncularia racemosa*)—and has an estimated 600,000 acres of mangrove forests, the majority of which is found south of Cedar Key on the Gulf Coast and south of Cape Canaveral on the Atlantic Coast.¹

Mangroves play an important ecological role as a habitat for various species of marine and estuarine vertebrates, invertebrates, and other wildlife,² including endangered and threatened species such as the manatee, hawksbill sea turtle, American crocodile, Key deer, and Florida panther—all of which rely on this habitat during some stage of their life cycle.³ Mangrove branches act as bird rookeries and nesting areas for coastal wading birds, including egrets, herons, brown pelicans, and roseate spoonbills.⁴ Their intricate root systems provide critical nursery habitats for fish, crustaceans, shellfish, and other marine life, allowing them to forage and grow while remaining protected from predators.⁵ The roots also make ideal underwater perches for barnacles, oysters, crabs, and other marine organisms.⁶ These organisms, in turn, provide food for juvenile fish, birds, reptiles, and other wildlife both above and below the water's surface.⁷ Florida's important recreational and commercial fisheries would drastically decline without healthy mangrove forests.⁸

¹ Florida Department of Environmental Protection (DEP), *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Nov. 16, 2023). However, mangroves are gaining ground along their northern Florida habitat limits, and as winter cold snaps decrease, mangroves are expected to expand further north into new territory. Kristen Minogue & Heather Dewar, Smithsonian Environmental Research Center, *With Fewer Hard Frosts, Tropical Mangroves Push North*, 1 (2013), available at <https://sercblog.si.edu/with-fewer-hard-frosts-tropical-mangroves-push-north/>.

² Section 403.9322(2), F.S.

³ Florida Museum, University of Florida, *South Florida Aquatic Environments: Mangrove Life*, <https://www.floridamuseum.ufl.edu/southflorida/habitats/mangroves/mangrove-life/> (last visited Nov. 16, 2023). See also Teresa O'Reilly, University of Florida Institute of Food and Agricultural Sciences, *Mangroves in Florida*, <https://blogs.ifas.ufl.edu/flaglerco/2018/02/09/mangroves-in-florida/> (last visited Nov. 16, 2023).

⁴ Florida Museum, *South Florida Aquatic Environments: Mangrove Life*; DEP, *Florida's Mangroves*.

⁵ Tiffany Duong, World Economic Forum, *Why planting mangroves can help save the planet* (2021), available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

⁶ Hannah Waters, Smithsonian Institution, *Mangrove Restoration: Letting Mother Nature Do the Work* (2016), available at <https://ocean.si.edu/ocean-life/plants-algae/mangrove-restoration-letting-mother-nature-do-work>.

⁷ *Id.*

⁸ DEP, *Florida's Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Nov. 16, 2023).

Mangroves also help maintain water quality and clarity by trapping sediments, absorbing nutrients, and removing pollutants that would otherwise end up in estuaries and coastal waters.⁹ Their roots provide attachment surfaces for various marine organisms that filter water through their bodies and, in turn, trap and cycle nutrients.¹⁰ Without natural filters like mangroves, dangerous conditions like red tide, sargassum, and algal blooms can proliferate.¹¹

In addition, mangroves capture massive amounts of carbon dioxide emissions and other greenhouse gases from the atmosphere.¹² Wetlands primarily store carbon in the soils, where it can remain for centuries. This buried carbon is known as “blue carbon” because it is sequestered via photosynthesis and stored underwater in coastal ecosystems like mangrove forests, seagrass beds, and salt marshes.¹³ Current studies suggest that mangroves and coastal wetlands annually sequester carbon at a rate 10 times greater than mature tropical forests, making them some of the most efficient natural carbon sinks in the world.¹⁴

Mangroves’ specialized root system can help prevent erosion by stabilizing shorelines.¹⁵ They also protect against damage from storm surge by reducing wind and wave energy¹⁶ in shallow shoreline areas.¹⁷ According to one study by the Nature Conservancy, in Florida, mangroves prevented \$1.5 billion in direct flood damages and protected over half a million people during Hurricane Irma in 2017, reducing damages by nearly 25 percent in counties with mangroves.¹⁸ In Collier County, some regions immediately behind the county’s mangroves receive annual risk reduction benefits of over \$1 million.¹⁹ Another study suggests that without the mangroves on

⁹ Florida Fish and Wildlife Conservation Commission (FWC), *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/mangroves/> (last visited Nov. 16, 2023).

¹⁰ DEP, *Florida’s Mangroves*.

¹¹ Duong, *Why planting mangroves can help save the planet*.

¹² See Jean Brodeur et al., National Oceanic and Atmospheric Administration (NOAA), *NOAA Blue Carbon White Paper*, 1 (2022), available at <https://repository.library.noaa.gov/view/noaa/40456>; NOAA, *Coastal Blue Carbon*, <https://oceanservice.noaa.gov/ecosystems/coastal-blue-carbon/> (last visited Nov. 16, 2023); Jessica Merzdorf, National Aeronautics and Space Administration (NASA), *NASA Study Maps the Roots of Global Mangrove Loss* (2020), available at <https://www.nasa.gov/feature/goddard/2020/nasa-study-maps-the-roots-of-global-mangrove-loss>.

¹³ NOAA, *NOAA Blue Carbon White Paper* at 1.

¹⁴ *Id.*

¹⁵ DEP, *Florida’s Mangroves*, <https://floridadep.gov/rcp/rcp/content/floridas-mangroves> (last visited Nov. 16, 2023); NASA, *NASA Study Maps the Roots of Global Mangrove Loss*, available at <https://www.nasa.gov/feature/goddard/2020/nasa-study-maps-the-roots-of-global-mangrove-loss>.

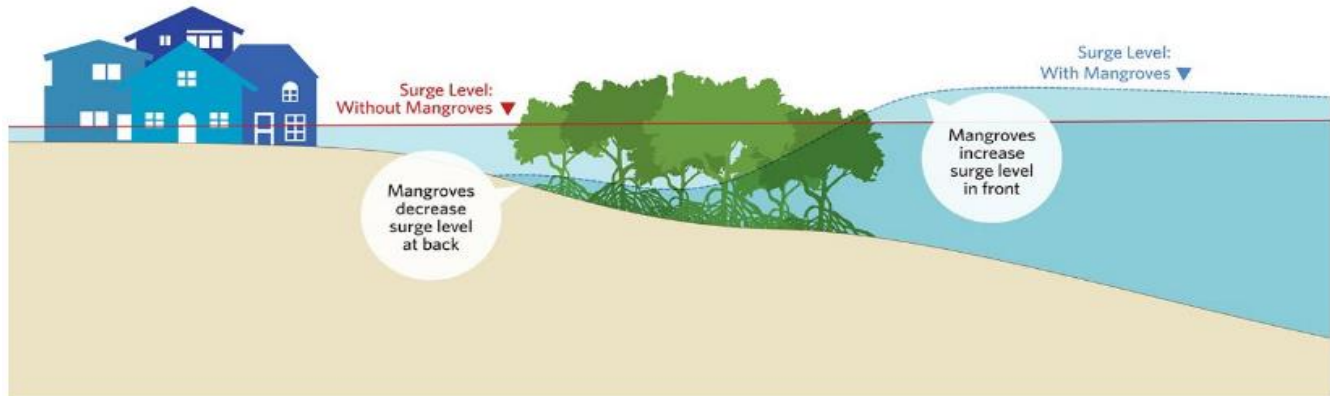
¹⁶ On average, mangroves reduce wave heights by 31 percent. Siddharth Narayan et al., *The Effectiveness, Costs and Coastal Protection Benefits of Natural and Nature-Based Defenses*, 4 (2016), available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0154735>.

¹⁷ United States Army Corp of Engineers, *Engineering with Nature: An Atlas*, 110 (2018), available at <https://erdc-library.erdc.dren.mil/jspui/handle/11681/27929>; DEP, *What is a Mangrove?*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/what-mangrove> (last visited Nov. 16, 2023); NASA, *NASA Study Maps the Roots of Global Mangrove Loss*.

¹⁸ Siddharth Narayan et al., The Nature Conservancy, *Valuing the Flood Risk Reduction Benefits of Florida’s Mangroves*, 2, available at https://www.nature.org/content/dam/tnc/nature/en/documents/Mangrove_Report_digital_FINAL.pdf.

¹⁹ *Id.* at 10. Worldwide, mangroves reduce risk to more than 15 million people and prevent more than \$65 billion in property damages each year. Duong, *Why planting mangroves can help save the planet*, available at <https://www.weforum.org/agenda/2021/08/planting-mangroves-helps-the-planet/>.

Florida's coast, the storm surge of Hurricane Wilma would have extended up to 70 percent further inland.²⁰



MANGROVE BENEFITS Surge is reduced behind mangroves, helping ease flooding to land and properties. © The Nature Conservancy

The amount of protection afforded by mangroves depends on the width of the forest. A narrow fringe of mangroves offers limited protection, while a wide fringe can considerably reduce wave and flood damage to landward areas by enabling overflowing water to be absorbed into the expanse of forest.²¹ Notably, the Legislature has found that in Florida, many areas of mangroves occur as narrow riparian fringes that do not provide all the functions of mangrove forests or provide such functions to a lesser degree.²²

Human activities such as coastal development are responsible for destroying more mangrove forests worldwide than any other type of coastal habitat.²³ Climate change, which results in higher sea levels and more intense droughts and storms, is increasing the rate of mangrove loss.²⁴ In Florida, mangrove loss is compounded by the regional water management system that was built in South Florida between the late 19th and mid-20th centuries, which has reduced the natural flow of water through the Everglades to Florida Bay and other coastal bays.²⁵ Drier conditions can slow or stop the natural buildup of organic peat soils like those in the Everglades and cause the peat soils to collapse.²⁶

²⁰ Jodie Berezin et al., University of Massachusetts Amherst, *Using Mangroves to Mitigate Hurricane Damage to the Southern US Coast*, (2018), available at <https://blogs.umass.edu/natsci397a-cross/using-mangroves-to-mitigate-hurricane-damage-to-the-southern-us-coast/>.

²¹ DEP, *Florida's Mangroves*.

²² Section 403.9322, F.S.

²³ FWC, *Mangrove Forests*, <https://myfwc.com/research/habitat/coastal-wetlands/mangroves/> (last visited Nov. 16, 2023).

²⁴ Miriam C. Jones et al., *Rapid inundation of southern Florida coastline despite low relative sea-level rise rates during the late-Holocene*, 1, 10 (2019), available at <https://www.nature.com/articles/s41467-019-11138-4>.

²⁵ United States Geological Survey, *Rising Sea Levels Could Accelerate Florida Bay Mangrove Loss* (2019), available at <https://www.usgs.gov/news/national-news-release/rising-sea-levels-could-accelerate-florida-bay-mangrove-loss#:~:text=Florida%20has%20lost%20much%20of%20the%20mangrove%20forests,USGS%20research%20published%20in%20the%20journal%20Nature%20Communications>.

²⁶ *Id.*

State Regulation of Mangroves

In 1996, the Florida Legislature passed the Mangrove Trimming and Preservation Act (the Act) in ss. 403.9321 - 403.9333, F.S., to protect mangroves from unregulated removal, defoliation, and destruction.²⁷ The Act is implemented by the Department of Environmental Protection (DEP) as well as several delegated local governments, including Broward, Hillsborough, Miami-Dade, and Pinellas Counties, the City of Sanibel, and the Town of Jupiter Island.²⁸

Under the Act, a permit is generally required to alter or trim mangroves,²⁹ though certain statutory exemptions exist.³⁰ Property owners do not need a permit to trim their mangroves when the mangroves are in a riparian mangrove fringe (RMF)³¹ and are no more than 10 feet in height, so long as the homeowner does not trim the mangroves below six feet in height and does not defoliate any mangrove. If the mangroves are more than 10 feet in height, the homeowner will need to hire a professional mangrove trimmer,³² but they still may be exempt from permit requirements. However, if the mangroves are not in an RMF, the property owner will need to get a permit and a professional mangrove trimmer.³³

Riparian property owners can obtain a permit from the DEP to trim mangroves if:

- The trimming is conducted in an area where the DEP has not delegated the authority to regulate mangroves to a local government;
- The trimming is supervised or conducted exclusively by a professional mangrove trimmer;
- The mangroves subject to trimming under the permit do not extend more than 500 feet waterward;
- No more than 65 percent of the mangroves along the shoreline which exceed six feet in pretrimmed height will be trimmed, and no mangrove will be trimmed so that the overall height of any mangrove is reduced to less than six feet; and
- No herbicide or other chemical will be used to remove the leaves of a mangrove.³⁴

A general permit can also be obtained for the limited trimming of mangroves within existing navigational channels, basins, or canals to provide clearance for the navigation of watercraft if certain conditions are met.³⁵

The DEP may require mitigation if mangroves are to be trimmed or altered under a permit issued pursuant to s. 403.9238, F.S.³⁶ In such cases, the DEP must establish reasonable mitigation

²⁷ Section 403.9322(1), F.S.

²⁸ See DEP, *Mangrove Trimming – Delegated Local Governments*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mangrove-trimming-delegated-local> (last visited Nov. 13, 2023).

²⁹ Section 403.9328(1), F.S.

³⁰ Section 403.9326, F.S.

³¹ RMF is defined as mangroves growing along the shoreline on private property, property owned by a governmental entity, or sovereign submerged land, the depth of which does not exceed 50 feet. Section 403.9324(7), F.S.

³² Section 403.9329, F.S., delineates the criteria for which persons may be considered a professional mangrove trimmer.

³³ DEP, *Mangrove Frequently Asked Questions*, no. 8, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mangrove-frequently-asked#whyimportant> (last visited Nov. 16, 2023).

³⁴ Section 403.9327(1)(a), F.S.

³⁵ Section 403.9327(1)(b), F.S.

³⁶ Section 403.9332(1)(c), F.S.

requirements that allow the use of mitigation banks as an option, where appropriate.³⁷ Restoration or mitigation is required for any area in which five percent or more of the mangrove trees have been trimmed below six feet in height.³⁸ Restoration must be accomplished by replanting mangroves to achieve within five years a canopy area equivalent to the area destroyed.³⁹ Any replanting for restoration and mitigation must result in at least 80 percent survival of the planted mangroves one year after planting, otherwise additional mangroves must be planted and maintained until 80 percent survival is achieved.⁴⁰

Where restoration or mitigation is not practicable, the impacts resulting from the destruction, defoliation, removal, or trimming of mangroves must be offset by donating an amount equivalent to the cost of creating mangrove wetlands at a 2-to-1 created versus affected ratio based on canopy area. The donation may not be less than \$4 per square foot of created wetland area. Payments received as mitigation must be sufficient to offset impacts and be used for mangrove creation, preservation, protection, or enhancement.⁴¹

Any person who fails to obtain a permit before trimming or altering mangroves commits a first degree misdemeanor (or a second degree misdemeanor if the violation is due to reckless indifference or gross careless disregard), punishable by a fine of not more than \$10,000 and/or 60 days in jail for each offense.⁴² For second and subsequent violations, additional monetary penalties for each illegally trimmed mangrove are imposed as follows:

- Up to \$100 for each mangrove illegally trimmed; or
- Up to \$250 for each mangrove illegally altered.⁴³

Areas of Critical State Concern

The Areas of Critical State Concern Program was created by the Florida Environmental Land and Water Management Act of 1972.⁴⁴ The program is intended to protect resources and public facilities of major statewide significance within designated geographic areas from uncontrolled development that would cause substantial deterioration of such resources.⁴⁵

Designated areas of critical state concern include:

- Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties);⁴⁶
- Green Swamp Area (portions of Polk and Lake Counties);⁴⁷
- City of Key West and the Florida Keys (Monroe County);⁴⁸

³⁷ *Id.*

³⁸ Section 403.9332(1)(a), F.S.

³⁹ *Id.*

⁴⁰ Section 403.9332(1)(d), F.S.

⁴¹ Section 403.9332(1)(c), F.S.

⁴² Section 403.9332(2), F.S.

⁴³ Section 403.9332(3), F.S.

⁴⁴ *See* section 380.05, F.S.

⁴⁵ Florida Department of Commerce, *Area of Critical State Concern Program*, <https://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Nov. 16, 2023).

⁴⁶ Section 380.055, F.S.

⁴⁷ Section 380.0551, F.S.

⁴⁸ Section 380.0552, F.S.

- Apalachicola Bay Area (Franklin County).⁴⁹

Biscayne Bay Aquatic Preserve

Biscayne Bay is the largest estuary in Florida, and the only large, subtropical, protected bay within the continental United States. Biscayne Bay is home to two state aquatic preserves, collectively known as Biscayne Bay Aquatic Preserves. The first, Biscayne Bay Aquatic Preserve, was established in 1974 and runs the length of Biscayne Bay proper, from the headwaters of the Oleta River down to Card Sound near Key Largo. Biscayne Bay Aquatic Preserve is about 64,607 submerged acres. This aquatic preserve is split in half by what is now called Biscayne National Park.⁵⁰ The second aquatic preserve within the Biscayne Bay area—Biscayne Bay-Cape Florida to Monroe County Line Aquatic Preserve—was established in 1975.⁵¹

Biscayne Bay provides habitat for a variety of juvenile and adult marine species, as well as several of Florida’s imperiled species, including the Florida manatee, the smalltooth sawfish, the American crocodile, and Johnson’s seagrass. Johnson’s seagrass is the first and only marine plant to be listed as threatened on the Endangered Species List and lives in northern Biscayne Bay Aquatic Preserve.⁵²

Living Shorelines

“Living shoreline” is a broad term that encompasses a range of shoreline stabilization techniques along estuarine coasts, bays, sheltered coastlines, and tributaries. A living shoreline has a footprint made up mostly of native material. It incorporates vegetation or other living, natural “soft” elements alone or in combination with some type of harder shoreline structure (e.g. oyster reefs or rock sills) for added stability.⁵³

There is evidence that living shorelines with intact natural coastal habitats (e.g., wetlands, dunes, mangroves, and coral reefs) experience less damage from severe storms and are more resilient than hardened shorelines. Areas with natural coastal habitats also have higher populations of fish and other living organisms important for shorebirds and for recreation and commercial purposes.⁵⁴

Living shorelines provide several benefits:

- Cost efficiency for structural stabilization in low-energy environments;
- Increased wildlife access in critical habitat areas;
- A natural buffer that reduces coastal erosion by absorbing wave energy;

⁴⁹ Section 380.0555, F.S.

⁵⁰ DEP, *Biscayne Bay Aquatic Preserves*, <https://floridadep.gov/rcp/aquatic-preserve/BiscayneBayAquaticPreserves> (last visited Nov. 16, 2023).

⁵¹ *Id.*; section 258.397, F.S.

⁵² DEP, *Biscayne Bay Aquatic Preserves*.

⁵³ NOAA, *Guidance for Considering the Use of Living Shorelines*, 5 (2015), available at https://www.habitatblueprint.noaa.gov/wp-content/uploads/2018/01/NOAA-Guidance-for-Considering-the-Use-of-Living-Shorelines_2015.pdf.

⁵⁴ *Id.*

- Decrease in harmful nutrients/pollutants entering coastal waters; and
- Increased aesthetic value and privacy.⁵⁵

Resilient Florida Grant Program

The Resilient Florida Grant Program provides grants to counties and municipalities to fund community resilience planning, including vulnerability assessments that identify or address risks of flooding and sea level rise, comprehensive plan amendments, and feasibility studies and the cost of permitting for nature-based solutions that reduce the impact of flooding and sea level rise.⁵⁶ Water management districts, in support of local government adaptation planning, are also eligible to receive grants under the Resilient Florida Grant Program for the purpose of supporting the Florida Flood Hub for Applied Research and Innovation and the DEP for data creation and collection, modeling, and the implementation of statewide standards.⁵⁷ In the programs first two years, 263 implementation projects have been awarded a total of nearly \$954 million.⁵⁸

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.⁵⁹ The NFIP is administered by the Federal Emergency Management Agency (FEMA) and enables homeowners, business owners, and renters in flood-prone areas to purchase flood insurance protection from the federal government.⁶⁰ Participation in the NFIP is voluntary.⁶¹ To join, a community must:

- Complete an application;
- Adopt a resolution of intent to participate and cooperate with the FEMA; and
- Adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.⁶²

The Community Rating System (CRS) within the NFIP is a voluntary incentive program that rewards communities for implementing floodplain management practices that exceed the minimum requirements of the NFIP.⁶³ Property owners within communities that participate in

⁵⁵ DEP, *Resilient Florida Program – Living Shorelines*, <https://floridadep.gov/rcp/resilient-florida-program/content/resilient-florida-program-living-shorelines> (last visited Nov. 16, 2023).

⁵⁶ Section 380.093(3)(b)1., F.S.

⁵⁷ Section 380.093(3)(b)2., F.S.

⁵⁸ This figure includes \$270 million of state funding for the Statewide Flooding and Sea Level Resilience Plan. DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resources* (Feb. 23, 2023), available at https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150_MeetingPacket_5700_2.23.23.pdf.

⁵⁹ FEMA, *50 Years of the NFIP*, available at https://www.fema.gov/sites/default/files/2020-05/NFIP_50th_Final_8.5x11_Regional_Printable.pdf.

⁶⁰ Benefits.gov, *National Flood Insurance Program (NFIP)*, <https://www.benefits.gov/benefit/435> (last visited Nov. 29, 2023).

⁶¹ FEMA, *Participation in the NFIP*, <https://www.fema.gov/glossary/participation-nfip#:~:text=Participation%20in%20the%20National%20Flood%20Insurance%20Program%20%28NFIP%29,of%20intent%20to%20participate%20and%20cooperate%20with%20FEMA%3B> (last visited Nov. 29, 2023).

⁶² *Id.*

⁶³ FEMA, *Community Rating System*, <https://www.fema.gov/floodplain-management/community-rating-system#:~:text=The%20Community%20Rating%20System%20%28CRS%29%20is%20a%20voluntary,Insurance%20Program%20%28NFIP%29,%20Over%201%2C500%20communities%20participate%20nationwide> (last visited Dec. 5, 2023).

the CRS program receive discounts on flood insurance premiums.⁶⁴ Premium discounts range from five to 45 percent based on a community's CRS credit points.⁶⁵ Communities earn credit points by implementing the FEMA-approved activities or programs, such as:

- Flood damage reduction programs that reduce the flood risk to existing development;
- Public outreach programs advising people about flood hazards, flood insurance, and ways to reduce flood damage;
- Mapping and regulations limiting floodplain development or providing increased protection to new and existing development; or Warning and response programs that provide early flood warnings to the public and incorporate substantial damage assessments into flood response operations.⁶⁶

III. Effect of Proposed Changes:

Section 1 amends s. 403.9324, F.S., to require the Department of Environmental Protection (DEP) to adopt rules for mangrove replanting and restoration. The rules must:

- Address significant erosion in areas of critical state concern;
- Protect barrier and spoil islands;
- Assist Everglades restoration and Biscayne Bay revitalization efforts, including the development of living shoreline design options for the Biscayne Bay Aquatic Preserve that are ecologically acceptable and consistent with s. 258.397, F.S., which establishes the Biscayne Bay Aquatic Preserve and sets requirements for its maintenance;
- Promote public awareness of the value of mangroves statewide and support mangrove education campaigns conducted by local governmental entities;
- Identify vulnerable public and private properties along the coastline and encourage partnerships with local governmental entities to create local mangrove protection and restoration zone programs for implementing the rules developed by the DEP;
- Protect and maintain access to the navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway;
- Create permitting incentives and approve of and encourage the use of new strategies for living shorelines and nature-based features, such as mangroves for coastal protection; and
- Encourage partnerships with local governmental entities to create projects for coastal protection through the Resilient Florida Grant Program.

The bill also requires the DEP, in consultation with the Division of Insurance Agent and Agency Services, to conduct a statewide feasibility study to determine the value of mangroves and other nature-based solutions for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System. The DEP must submit a report to the Governor and Legislature by July 1, 2025.

Section 2 provides an effective date of July 1, 2024.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ FEMA, *Community Rating System: A Local Official's Guide to Saving Lives, Preventing Property Damage, and Reducing the Cost of Flood Insurance*, 3-6 (2023), available at d https://www.fema.gov/sites/default/files/documents/fema_crs-brochure_032023.pdf.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the Department of Environmental Protection related to the costs associated with the rulemaking and feasibility study requirements of the bill. However, such costs can likely be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.9324 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 December 6, 2023:

The amendment provides that the rules adopted by the Department of Environmental Protection (DEP) must:

- Create permitting incentives and approve of and encourage the use of new strategies for living shorelines and nature-based features; and
- Encourage partnerships with local governmental entities to create projects for coastal protection through the Resilient Florida Grant Program.

The amendment also requires the DEP, in consultation with the Division of Insurance Agent and Agency Services, to conduct a statewide feasibility study to determine the value of mangroves and other nature-based solutions for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System. The DEP must submit report by July 1, 2025.

- B. **Amendments:**

None.

By the Committee on Environment and Natural Resources; and
Senators Garcia and Avila

592-01782-24

202432c1

A bill to be entitled

An act relating to mangrove replanting and restoration; amending s. 403.9324, F.S.; requiring the Department of Environmental Protection to adopt rules for mangrove replanting and restoration; providing requirements for the rules; requiring the department, in consultation with the Division of Insurance Agent and Agency Services, to conduct a statewide feasibility study regarding the use of mangroves and other nature-based solutions in order to improve a local government's community rating for flood insurance purposes; requiring a report to the Governor and the Legislature by a specified date; providing an effective date.

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

Section 1. Subsections (7) and (8) are added to section 403.9324, Florida Statutes, to read:

403.9324 Mangrove protection rule; delegation of mangrove protection to local governments.—

(7) The department shall adopt rules for mangrove replanting and restoration. The rules must do all of the following:

(a) Address significant erosion in areas of critical state concern.

(b) Protect barrier and spoil islands.

(c) Assist Everglades restoration and Biscayne Bay revitalization efforts, including the development of living

Page 1 of 3

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

592-01782-24

202432c1

shoreline design options for the Biscayne Bay Aquatic Preserve which are ecologically acceptable and consistent with s. 258.397.

(d) Promote public awareness of the value of mangroves statewide and support mangrove education campaigns conducted by local governmental entities.

(e) Identify vulnerable public and private properties along the coastline and encourage partnerships with local governmental entities to create local mangrove protection and restoration zone programs for implementing the rules developed by the department pursuant to this subsection.

(f) Protect and maintain access to and navigation of the marked channel and the right-of-way of the Florida Intracoastal Waterway as defined in s. 327.02.

(g) Create permitting incentives and approve of and encourage the use of new strategies for living shorelines and nature-based features, such as mangroves for coastal protection.

(h) Encourage partnerships with local governmental entities to create projects for coastal protection through the Resilient Florida Grant Program pursuant to s. 380.093(3)(b)1.c.

(8) The department, in consultation with the Division of Insurance Agent and Agency Services, shall conduct a statewide feasibility study to determine the value of mangroves and other nature-based solutions for coastal flood risk reduction within coastal communities to reduce insurance premiums and improve local governments' community ratings in the National Flood Insurance Program Community Rating System. The department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2025.

Page 2 of 3

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

592-01782-24

202432c1

59

Section 2. This act shall take effect July 1, 2024.

1-17-24 1:30 110sob

Meeting Date

The Florida Senate APPEARANCE RECORD

32

Bill Number or Topic

AEG

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 **816 W THARPE ST**

Email **CULLENASEA@GMAIL.COM**

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:

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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 92

INTRODUCER: Senator Hooper

SUBJECT: Yacht and Ship Brokers' Act

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable</u>
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 92 revises the regulation of yacht and ship brokers and salespersons by the Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR).

The definition for the term “yacht” is revised by the bill to require the vessel be manufactured or operated primarily for pleasure or leased, rented, or chartered to someone other than the owner for the other person’s pleasure. The bill retains current law that a yacht is a vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, but deletes the requirement for the vessel to weigh less than 300 gross tons.

The bill provides a license (for a broker or salesperson) is not required for a person who conducts business as a broker or salesperson in another state as his or her primary profession and engages in the purchase of a yacht under ch. 326, F.S., if the transaction is executed in its entirety with a broker or salesperson licensed in Florida.

The bill revises the requirements for licensure as a broker by:

- Deleting the requirement that an applicant for a broker license must have been licensed as a salesperson for two consecutive years, and
- Requiring that the applicant has been licensed as a salesperson and can either:
 - Demonstrate that he or she has been directly involved in at least four transactions that resulted in the sale of a yacht, or
 - Certify that he or she has obtained 20 continuing education credits approved by the division.

The bill has a negative fiscal impact on state expenditures. See Section V. Fiscal Impact Statement.

The bill takes effect October 1, 2024.

II. Present Situation:

Division of Florida Condominiums, Timeshares and Mobile Homes

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the DBPR has jurisdiction over yacht and ship brokers and sales persons under ch. 326, F.S., timeshares under ch. 721, F.S., and mobile homes under ch. 723, F.S., condominiums under ch. 718, F.S., cooperatives under ch. 719, F.S., and limited jurisdiction over homeowners' associations under ch. 720, F.S.

Yacht and Ship Broker Branch Office Licenses

Chapter 326, F.S., which may be cited as the “Yacht and Ship Brokers' Act,”¹ governs the licensing and regulation of yacht and shipbrokers, salespersons, and related business organizations in the state. The Yacht and Ship Broker Section, a unit of the division, processes license applications and responds to consumer complaints and inquiries by monitoring activities and compliance within the yacht brokerage industry.²

Definitions

A broker or yacht and ship broker is a “person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.”³

A salesperson is “a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.”⁴

The term “yacht” means “any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.”

Licensing

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.

To qualify for a broker's license, a person must have been licensed as a salesperson for at least two consecutive years.⁵ Current law gives the division the discretion to deny an application for a broker or salesperson license if the applicant does not:

- Furnish proof satisfactory to the division that he or she is of good moral character.⁶
- Certify that he or she has never been convicted of a felony.

¹ Section 326.001, F.S.

² See ch. 326, F.S., and Department of Business and Professional Regulation, *Yacht and Ship*, available at: <http://www.myfloridalicense.com/DBPR/yacht-and-ships/> (last visited Nov. 30, 2023).

³ Section 326.002(1), F.S.

⁴ Section 326.002(3), F.S.

⁵ Section 326.004(8), F.S.

⁶ See Fla. Admin. Code R. 61B-60.003(3)(a), providing the factors that bear upon good moral character.

- Post the bond required by the Yacht and Ship Brokers' Act.
- Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.
- Furnish a full set of fingerprints taken within the six months immediately preceding the submission of the application.
- Have a current license and has operated as a broker or salesperson without a license.⁷

The applicant must also deliver to the division a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of \$25,000 before any license may be issued to a broker.⁸ A salesperson must have a bond or equivalent securities in the sum of \$10,000.⁹

The fee for an initial license application for a salesperson or broker license, and for the biennial renewal of a license, is \$500. Additionally, there is a \$51 fee for national fingerprint processing during the initial application process.¹⁰

A broker is not required to complete any continuing education hours as a condition for licensure or renewal of a license.

A license is not required for:

- A person who sells his or her own yacht.
- An attorney at law for services rendered in his or her professional capacity.
- A receiver, trustee, or other person acting under a court order.
- A transaction involving the sale of a new yacht.
- A transaction involving the foreclosure of a security interest in a yacht.¹¹

A broker must maintain a principal place of business in Florida and may establish branch offices in Florida.¹² The biennial fee for a branch office is \$100 for each branch office.¹³

The division is required to provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement (FDLE) conducts a national criminal history analysis of the applicant by means of fingerprint identification.¹⁴

There are currently 2,810 licensed salespersons and 337 licensed brokers.¹⁵

⁷ Section 326.004(6), F.S.

⁸ Section 326.004(7), F.S.

⁹ Section 326.004(9), F.S.

¹⁰ Fla. Admin. Code R. 61B-60.003(4).

¹¹ Section 326.004 (3), F.S.

¹² Section 326.004 (13), F.S.

¹³ Fla. Admin. Code R. 61B-60.003(4).

¹⁴ Section 326.004 (15), F.S. *See* Fla. Admin. Code R. 61B-60.001(1)(k) and 61B-60.003(2)(a), relating to the requirements for a temporary license.

¹⁵ Email from Derek Miller, Director of Legislative Affairs, Department of Business and Professional Regulation, to Patrick L. Imhof, Staff Director, Senate Regulated Industries Committee (Nov. 30, 2023) (on file with the Senate Regulated Industries Committee).

Under current law, there are no provisions for a license by endorsement, or licensure for a person who is licensed in another jurisdiction.

III. Effect of Proposed Changes:

The bill amends s. 326.002(4), F.S., to revise the term “yacht” to provide that the vessel be manufactured or operated primarily for pleasure or leased, rented, or chartered to a person other than the owner for such person’s pleasure. The bill deletes the requirement for the vessel to weigh less than 300 gross tons.

The bill amends s. 326.004(3), F.S., to exempt from the license requirements for a broker or salesperson a person who conducts business as a broker or salesperson in another state as his or her primary profession and engages in the purchase of a yacht under ch. 326, F.S., if the transaction is executed in its entirety with a broker or salesperson licensed in Florida. However, the bill does not apply the license exemption for the sale of a yacht under those provisions.

The bill amends s. 326.004(6), F.S., to clarify the division must deny a broker or salesperson license to a person who does not meet all of the requirements listed in this subsection.

The bill amends s. 326.004(8), F.S., to revise the requirements for licensure as a broker by:

- Deleting the requirement that an applicant for a broker license must have been licensed as a salesperson for two consecutive years, and
- Requiring that the applicant has been licensed as a salesperson and can either:
 - Demonstrate that he or she has been directly involved in at least four transactions that resulted in the sale of a yacht,¹⁶ or
 - Certify that he or she has obtained 20 continuing education¹⁷ credits approved by the division.

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁶ The bill does not provide a time period during which the four must have been performed.

¹⁷ Salespersons and brokers licensed under ch. 326, F.S., are not required to complete continuing education as a condition for renewal of a license.

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:

An out-of-state sales broker or salesperson may engage in a transaction for purchase of a yacht under the conditions in the bill without applying for a license, including paying the \$500 license application fee.

Applicants for a broker license who opt to qualify for a license by obtaining at least 20 continuing education credits will incur costs related to completing those education credits.

C. Government Sector Impact:

Under the bill, a broker or salesperson in another state who is not licensed in Florida would be able to engage in the purchase of a yacht in Florida if the transaction is entirely executed through a licensed Florida broker or salesperson. The division may incur costs reviewing these transactions to ensure compliance with ch. 326, F.S., and developing the criteria for an education provider which license applicants may use as an option for qualifying as a broker. The DBPR states it will incur additional expenses related to the number of full-time employees (FTE) required to handle the workload needed to implement the bill. The division estimates it will need four additional staff and associated costs of \$342,742 (\$286,776 salaries and benefits and \$54,526 expenses).¹⁸ However, the division which oversees the yacht and ship program had 28.5 vacancies as of January 9, 2024. Of these, 11.5 positions have been vacant in excess of 150 days.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The definition for the term “yacht” is revised by the bill to require that the vessel be manufactured or operated primarily for pleasure or leased, rented, or chartered to a person other

¹⁸ See Department of Business and Professional Regulation, *2024 Agency Legislative Bill Analysis for SB 22*, pp. 2 and 5 (Nov. 2, 2023) (on file with the Senate Regulated Industries Committee).

than for such person's pleasure. The term "pleasure" is undefined. However, the term "pleasure" means, in part, "someone or something that provides amusement or enjoyment," and the term "recreation" is a synonym for this meaning of the term.¹⁹ The bill may be interpreted as defining "yacht" as a vessel used primarily for recreation.

Section 326.004(8), F.S., is amended by the bill to revise the requirements for licensure as a broker. Under the bill, an applicant for a broker license must demonstrate that he or she has been directly involved in at least four transactions that resulted in the sale of a yacht. The bill does not provide a time period during which the four sales must have been performed.

Under the bill, a broker or salesperson in another state who is not licensed in Florida would be able to engage in the purchase of a yacht in Florida if the transaction is entirely executed through a licensed Florida broker or salesperson. The division notes that, if the non-Florida licensed broker violates ch. 326, F.S., the division would only have regulatory jurisdiction over the Florida-licensed broker or salesperson.²⁰

The bill permits a person to qualify for a broker license if he or she has been directly involved in at least four transactions that resulted in the sale of a yacht or certifies that they have obtained 20 continuing education credits approved by the division. The division states that it is unclear whether the continuing education requirements are recurring for each licensure period or only apply to initial licensure.²¹

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 326.002 and 326.004.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

¹⁹ See Merriam-Webster.com, "Pleasure," <https://www.merriam-webster.com/thesaurus/pleasure> (last visited Nov. 20, 2023).

²⁰ See *infra*, note 18 at 2.

²¹ *Id.*

By Senator Hooper

21-00176-24

202492__

1 A bill to be entitled
 2 An act relating to the Yacht and Ship Brokers' Act;
 3 amending s. 326.002, F.S.; revising the definition of
 4 the term "yacht"; amending s. 326.004, F.S.; exempting
 5 a person who conducts business as a broker or
 6 salesperson in another state from licensure in this
 7 state for specified transactions; requiring, rather
 8 than authorizing, the Division of Florida
 9 Condominiums, Timeshares, and Mobile Homes of the
 10 Department of Business and Professional Regulation to
 11 deny licenses for applicants who fail to meet certain
 12 requirements; revising requirements for licensure as a
 13 broker; providing an effective date.

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

15 Section 1. Subsection (4) of section 326.002, Florida
 16 Statutes, is amended to read:

17 326.002 Definitions.—As used in ss. 326.001-326.006, the
 18 term:

19 (4) "Yacht" means any vessel that ~~which~~ is propelled by
 20 sail or machinery in the water, ~~which~~ exceeds 32 feet in length,
 21 and is:

22 (a) Manufactured or operated primarily for pleasure; or

23 (b) Leased, rented, or chartered to someone other than the
 24 owner for the other person's pleasure ~~which weighs less than 300~~
 25 ~~gross tons.~~

26 Section 2. Subsections (6) and (8) of section 326.004,
 27 Florida Statutes, are amended, and paragraph (f) is added to

21-00176-24

202492__

30 subsection (3) of that section, to read:

31 326.004 Licensing.—

32 (3) A license is not required for:

33 (f) A person who conducts business as a broker or
 34 salesperson in another state as his or her primary profession
 35 and engages in the purchase of a yacht under this act, if the
 36 transaction is executed in its entirety with a broker or
 37 salesperson licensed in this state.

38 (6) The division ~~must~~ may deny a license to any applicant
 39 who does not meet all of the following requirements:

40 (a) Furnish proof satisfactory to the division that he or
 41 she is of good moral character.

42 (b) Certify that he or she has never been convicted of a
 43 felony.

44 (c) Post the bond required by the Yacht and Ship Brokers'
 45 Act.

46 (d) Demonstrate that he or she is a resident of this state
 47 or that he or she conducts business in this state.

48 (e) Furnish a full set of fingerprints taken within the 6
 49 months immediately preceding the submission of the application.

50 (f) Have a current license and has operated as a broker or
 51 salesperson without a license.

52 (8) A person may not be licensed as a broker unless he or
 53 she has been licensed as a salesperson and can demonstrate that
 54 he or she has been directly involved in at least four
 55 transactions that resulted in the sale of a yacht or can certify
 56 that he or she has obtained at least 20 continuing education
 57 credits approved by the division for at least 2 consecutive
 58 ~~years, and may not be licensed as a broker unless he or she has~~

21-00176-24

202492__

59 ~~been licensed as a salesperson for at least 2 consecutive years.~~

60 Section 3. This act shall take effect October 1, 2024.

1/17/24

Meeting Date

The Florida Senate APPEARANCE RECORD

92

Bill Number or Topic

Apps on GG

Committee

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

Amendment Barcode (if applicable)

Name ELLYN Bogdanoff

Phone _____

Address 1 E Bond Blvd

Email _____

Street

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:

International Yacht Brokers

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

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: December 6, 2023

I respectfully request that **Senate Bill #92**, relating to Yacht and Ship Brokers' Act, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 21

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: CS/SB 106

INTRODUCER: Appropriations Committee on Agriculture, Environment and General Government and Senator Jones

SUBJECT: Acceptance of Cash Payments by Businesses

DATE: January 19, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	Fav/CS
3.	_____	_____	<u>FP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 106 requires certain businesses to accept an offer of payment in cash, defined as the coin and currency of the United States. The bill also prohibits businesses from charging a fee or placing a condition on its acceptance of cash, and gives rulemaking and enforcement authority to the Department of Agriculture and Consumer Services (DACS). Violations of the bill will be subject to civil fines.

The bill has an indeterminate fiscal impact on state revenues and expenditures. See Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2024.

II. Present Situation:

There is no federal law that requires a private business to accept cash payments. States are within their rights to create laws regulating how businesses accept or reject payments.¹

¹ Board of Governors, Federal Reserve System, *Is It Legal for a Business in the United States to Refuse Cash as a Form of Payment?*, Fed. Reserve.gov, available at https://www.federalreserve.gov/faqs/currency_12772.htm, (last visited December 4, 2023).

Currently, Florida has no law dictating whether a business must accept a cash payment or not. Some businesses in the state do not offer consumers the option of paying cash for transactions involving the purchase of goods and services.

With 85 percent of Americans having a smartphone, more purchases get made digitally than ever before.² Exacerbating the situation, the Covid-19 pandemic forced many businesses around the country to alter their business models to facilitate contactless purchases, where customers could order goods online and then have them picked up or delivered. This has all contributed to a decline in the use of cash.

Payment Instruments

Technology has allowed for consumers to make purchases with a variety of different payment instruments. Mobile wallets, which include credit or debit cards that are used through a smartphone, are projected to be used by 60 percent of the world's population by 2025.³

Recently, the Federal Reserve conducted a study that found credit card usage is the highest it has ever been.⁴ Below is a table representing the percentage share of the various payment instruments used in 2022.⁵

Share of Payment Instrument Use for all Payments in 2022					
Cash	Credit Card	Debit Card	ACH	Mobile Payment App	Other
18%	31%	29%	13%	<1%	9%

However, the Bureau of Consumer Financial Protection estimated that 20 to 30 percent of adults in the United States do not have a credit card.⁶ Adults without credit cards mostly rely on cash and debit cards. Consumers that do not have a bank account are more likely to use cash than consumers that do have a bank account.⁷

² Pew Research Center, 2022: *Internet, smartphone and social media use*, (December 6, 2022), available at <https://www.pewresearch.org/global/2022/12/06/internet-smartphone-and-social-media-use-in-advanced-economies-2022/> (last visited December 4, 2023).

³ Juniper Research, Boku, *Study: More than half of the world's population will use mobile wallets by 2025*, (July 8, 2021), available at <https://www.globenewswire.com/en/news-release/2021/07/08/2259605/0/en/Study-More-than-half-of-the-world-s-population-will-use-mobile-wallets-by-2025.html>, (last visited December 4, 2023).

⁴ Cubides, Emily, and Shaun O'Brien. *2023 Findings from the Diary of Consumer Payment Choice*, (May 5, 2023), available at <https://www.frbsf.org/cash/wp-content/uploads/sites/7/2023-Findings-from-the-Diary-of-Consumer-Payment-Choice.pdf> (last visited December 4, 2023).

⁵ *Id.* at 6.

⁶ This estimate is according to coverage of credit records present in the CCP sample, though this does not include authorized users, who are individuals designated by the primary account holder to use the same credit account. A recent report from the Federal Reserve finds 83 percent of consumers report having at least one credit card. *See* Bd. of Governors of Fed. Rsv. Sys., *Report on the Economic Well-Being of U.S. Households in 2020*, at 42 (May 2021), available at <https://www.federalreserve.gov/publications/2021-economic-well-being-of-us-households-in-2020-banking-and-credit.htm>, (last visited December 4, 2023).

⁷ Consumers that do not have bank accounts made 66 percent of all payments with cash in 2022. *See*, note 5 *supra*.

Other States

Within the last five years, there has been a trend of states passing legislation that requires businesses to accept cash payments. States that have passed similar acceptance of cash payments legislation include: Arizona, Colorado, Connecticut, Delaware, Idaho, Maine, Massachusetts, Michigan, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island and Tennessee.

The language in these state's laws vary, but they share the basic principal that most retail stores are required to accept cash as a form of payment. The states vary in penalties for violating. For instance in Massachusetts, violators of the statute may be fined or even imprisoned up to six months.⁸

The Department of Agriculture and Consumer Services

The DACS is charged with protecting consumers from unsafe or defective products and deceptive business practices. The Division of Consumer Services (division) within the DACS regulates specific business activities, including commercial weight loss practices, telephone solicitations, dance studios, pawnshops, health studios, sellers of travel, and telemarketers. The division is also responsible for protecting consumers from unfair and unsafe business practices involving products, including petroleum products, brake fluid, antifreeze, lubricating oil, and weighing and measuring devices.

The Office of Agricultural Law Enforcement (OALE) enforces laws governing businesses regulated by the DACS. The OALE protects consumers from unfair and deceptive trade practices, protects Florida's agriculture industry from theft and other crimes, and safeguards the wholesomeness of food and other consumer products.⁹ The OALE currently partners with federal, state and local law enforcement agencies.¹⁰

III. Effect of Proposed Changes:

This bill requires that a business that operates at a fixed permanent physical premises; from a vehicle or other mobile space; or from a temporary physical premise; must accept an offer of payment in cash, defined as legal tender of the United States in the form of coins or currency, under the following conditions:

- The purchase is for a tangible good or service;
- The business would accept one or more other forms of payment; and
- The customer seeking to engage in the transaction is physically present at the place of business.

The bill authorizes a business to have an onsite cash-to-card kiosk available for a customer to deposit cash into, and is given a debit card loaded with the amount deposited.

⁸ Mass. Gen. Laws Ann. Ch. 255D, § 30

⁹ Florida Department of Agriculture and Consumer Services, Office of Agricultural Law Enforcement, *available at* <https://www.fdacs.gov/Divisions-Offices/Agricultural-Law-Enforcement>, (last visited December 4, 2023).

¹⁰ *Id.*

The bill also prohibits a business from charging a fee or placing any other condition on its acceptance of a cash payment.

The requirement that cash must be accepted as a form of payment does not apply in the following circumstances:

- The sale is not conducted in person;
- The business is a parking facility that is owned by a municipality, regardless of who operates the facility, or if the parking facility accepts electronic funds transfers;
- The business is a parking facility and commercial ground transportation operations owned or operated by an airport or seaport;
- The business provides services by accountants, architects, attorneys, engineers, financial advisors, insurance agents, interior designers, software developers, or management and other consultants, not including services provided by licensed medical or allied health care practitioners;
- The business suspects the use of counterfeit cash;
- Bills greater than \$20;
- Single transactions above \$5,000;
- The business is a secondary metals recycler as defined in s. 538.18, F.S.; and
- The business provides continuous service or membership contract agreements.

A business that violates the requirement is subject to a civil penalty of up to \$2,500 for the first offense, up to \$5,000 for a second offense, and up to \$10,000 for a third or subsequent offense. These violations are to be levied by the DACS based upon rules the DACS must implement.

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 private sector impact is indeterminate. Businesses that have transitioned to cashless operations may incur costs associated with the handling and security of cash.

C. Government Sector Impact:

The DACS estimates additional resources may be needed to implement investigative and enforcement mechanisms required by the bill. It is unknown how many businesses will be impacted by the changes in the bill and how many complaints will be filed with the Division of Consumer Services and Office of Agricultural Law Enforcement. If the workload is greater than anticipated, additional resources may be requested in the future.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not clearly define what a “tangible good” or “service” is. Businesses and the DACS may need further clarity to determine if a business is required to accept the payment of cash for certain purchases.

VIII. Statutes Affected:

This bill creates section 559.96 of the Florida Statutes.

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

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

CS by Appropriations Committee on Agriculture, Environment and General Government on January 17, 2024:

The committee substitute:

- Authorizes the use of cash-to-card kiosks to satisfy the requirement for businesses to accept cash.
- Clarifies that a parking facility and commercial ground transportation operations owned or operated by an airport or a seaport are exempt from the cash payment requirement.
- Exempts secondary metal recyclers and businesses that provide continuous service or membership contract agreements from the requirement to accept cash.

B. Amendments:

None.

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



683252

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/17/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Agriculture, Environment, and General Government (Jones) recommended the following:

Senate Amendment (with title amendment)

Between lines 31 and 32
insert:

(b) A business may satisfy the requirement in paragraph (a) by having available on site a cash-to-card kiosk into which a customer deposits cash and is given a debit card loaded with the amount he or she deposited. The customer may use the debit card to complete a transaction at the place of business.



683252

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

12 And the title is amended as follows:

13 Delete line 5

14 and insert:

15 for certain transactions; authorizing a business to
16 satisfy such requirements by placing a cash-to-card
17 kiosk at the business location for customers to make
18 payments; prohibiting such businesses



897838

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/17/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Agriculture, Environment, and General Government (Jones) recommended the following:

Senate Amendment

Between lines 40 and 41

insert:

(c) A parking facility and commercial ground transportation operations owned or operated by an airport or a seaport.



668560

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/17/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Agriculture, Environment, and General Government (Jones) recommended the following:

Senate Amendment

Between lines 52 and 53

insert:

(h) Secondary metals recyclers, as defined in s. 538.18.



572756

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/17/2024	.	
	.	
	.	
	.	

The Appropriations Committee on Agriculture, Environment, and General Government (Jones) recommended the following:

Senate Amendment

Between lines 52 and 53

insert:

(h) Continuous service or membership contract agreements.

By Senator Jones

34-00207-24

2024106__

A bill to be entitled

An act relating to acceptance of cash payments by businesses; creating s. 559.96, F.S.; defining terms; requiring certain businesses to accept cash payments for certain transactions; prohibiting such businesses from charging a fee or placing conditions on acceptance of such cash payments; providing applicability; providing penalties for violations of the act; requiring the Department of Agriculture and Consumer Services to adopt certain rules; providing an effective date.

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

Section 1. Section 559.96, Florida Statutes, is created to read:

559.96 Acceptance of cash payments by businesses.—

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

(a) "Business" means any business operating at a fixed, permanent physical premises; from a vehicle or other mobile space; or from a temporary physical premises.

(b) "Cash" means legal tender of the United States in the form of coins or currency.

(c) "Department" means the Department of Agriculture and Consumer Services.

(2) (a) A business must accept an offer of payment in cash for any transaction involving the purchase of any tangible good or any service if, in connection with such transaction, the business would accept one or more other forms of payment and the

Page 1 of 3

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

34-00207-24

2024106__

customer seeking to engage in such transaction is physically present at the place of business.

(b) A business may not charge a fee or place any other condition on its acceptance of cash as required by paragraph (a).

(3) This section does not apply to:

(a) Sales that are not conducted in person, including telephone, mail, and Internet-based or other electronic transactions.

(b) A parking facility owned by a municipality, regardless of who operates the facility.

(c) A parking facility that accepts electronic funds transfers.

(d) A business providing services by accountants, architects, attorneys, engineers, financial advisers, insurance agents, interior designers, software developers, or management and other consultants, not including services provided by licensed medical or allied health care practitioners.

(e) Sales in which the business suspects the use of counterfeit cash.

(f) The use of cash denominations larger than \$20 by a customer.

(g) Single transactions above \$5,000.

(4) A business that violates this section is subject to a civil penalty of up to \$2,500 for a first offense, up to \$5,000 for a second offense, and up to \$10,000 for a third or subsequent offense, to be assessed by the department.

(5) The department shall adopt rules necessary to implement this section.

Page 2 of 3

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

34-00207-24

2024106__

59

Section 2. This act shall take effect July 1, 2024.



National Armored
Car Association



IACOA

INDEPENDENT ARMORED CAR OPERATORS ASSOCIATION

January 17, 2024

The Honorable Jason Brodeur
414 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

The Honorable Lori Berman
216 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Brodeur and Ranking Member Berman:

On behalf of the National Armored Car Association (NACA) and the Independent Armored Car Operators Association (IACOA), we write to express our support for SB 106, legislation that would protect consumers right to pay in cash at all retail establishments for transactions up to \$5,000.

NACA's and IACOA's members provide secure transportation and cash management services for the Federal Reserve, financial institutions, state and local governments, and private businesses and individuals across the United States and internationally. Together, we have handled a majority of the notes in circulation in the United States. We have long advocated for the importance of cash as it protects consumer privacy, keeps costs low for businesses, and serves as a payment method for those who do not have access to a bank account or choose to use cash as their primary form of payment.

The significance of cash to the United States economy has always been evident, and it remains crucial to the daily lives of millions of Americans, serving as an essential payment method. Notably, 18% of American adults are unbanked or underbanked, many of whom are low-income, have limited or no access to checking and savings accounts, and are unable to make purchases using a card or contactless payment method. Because cash is their primary means of participating in the economy, protecting cash as a payment option ensures these individuals may continue to participate in the economy and acquire the goods and services they need.

Currently, many states and cities in the U.S. protect consumers' choice to pay with cash by ensuring its acceptance as a valid form of payment. These protections ensure that underbanked and unbanked individuals have equal access to necessary goods and services and also allow all Americans to have a payment option that protects their privacy and offers them freedom from the often-devastating effects of financial cybercrimes. Cash has also proven a highly reliable form of payment, ensuring financial transactions can always take place despite power outages or failures to the technological infrastructure that is necessary to conduct other methods of payment.

In short, we believe this critical legislation can effectively protect consumers and ensure they maintain the financial freedom integral to our country's economic growth.

We urge Senate Appropriations Committee on Agriculture, Environment, and General Government members to preserve consumer freedoms by supporting SB 106.

Sincerely,

Basil Thomson

Basil Thomson
Executive Director
NACA


John Margaritis
Administrator/Secretary
IACOA

1/17/2024

The Florida Senate APPEARANCE RECORD

SB106

Meeting Date
Appropriations Committee on Agriculture, Environment & General Government

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

Bill Number or Topic
683252

Committee
Gene McGee

Amendment Barcode (if applicable)
8506617110

Name
Gene McGee

Phone
8506617110

Address
3615 S. Springbreeze Way
Street
Homosassa, FL 34448
City State Zip

Email
Gene@scgroup.us

Reset Form

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:

SeaWorld Parks & Entertainment

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

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1/17/24

Meeting Date

AG APPROP

Committee

106

Bill Number or Topic

897838

Amendment Barcode (if applicable)

Name

ROBERT STUART

Phone

407-843-8880

Address

301 S. BRUNNEN ST SUITE 600

Email

ROBERT.STUART@FLA-ROBINSON.U

Street

TLH

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:

PORT CANAVERAL

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules)

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Meeting Date

106

Bill Number or Topic

Approps 16 + Gen Gov

Committee

683252

Amendment Barcode (if applicable)

Name

Adam Basford

Phone

352 538 4299

Address

516 N Adams

Email

abasford@a.f.com

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:

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

Associated Industries of FL

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, df.flsenate.gov

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

For Amendment

106

11/17/24

Meeting Date

Bill Number or Topic

Ag, Environment + General Gov Affairs

Committee

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683252

Amendment Barcode (if applicable)

Name Ethan Merchant

Phone 850-699-0470

Address 113 E. College Ave

Email ethan@libertypartnersfl.com

Street

Tallahassee

City

FL

State

32301

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: Florida Attractions Association

[] 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. df flsenate. gov

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The Florida Senate

APPEARANCE RECORD

1/17/24

Meeting Date

106

Bill Number or Topic

Ag, Environment, & General Gov Appropriations

Committee

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Amendment Barcode (if applicable)

Name Ethan Merchant

Phone 850-699-0470

Address 113 E. College Ave
Street

Email ethan@libertypartnersfl.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 Attractions Association

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: df flsenate.gov](https://www.flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

106

Bill Number or Topic

4/17/24

Meeting Date

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Approps Ag, Environment, and Gen Gov

Committee

Amendment Barcode (if applicable)

Name

Tim Nungesser

Phone

850-445-5367

Address

110 E. Jefferson St.

Street

Email

tim.nungesser@flsen.gov

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:

NFIB

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. [2020-2022JointRules.pdf flsenate.gov](https://www.flsenate.gov/2020-2022JointRules.pdf)

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The Florida Senate

APPEARANCE RECORD

1/17/2024

Meeting Date

SB 106

Bill Number or Topic

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Appropriations Committee on Ag, Environment, and General Gov.

Amendment Barcode (if applicable)

Name Amic Warren

Phone (904)-891-3016

Address 100 S. Monroe St. Street

Email AWarren@FL-Counties.com

Tallahassee City

FL State

32301 Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] 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 of the Florida Senate.

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S-001 (08/10/2021)

The Florida Senate
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1/17/2024

Meeting Date

SB106

Bill Number or Topic

Appropriations

Committee

Amendment Barcode (if applicable)

Name Samantha Padgett

Phone (850) 224-2250

Address 230 S. Adams Street

Email Spadgett@FLA.org

Street

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:

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

106

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Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jess McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 NW 1st Street, Suite 2800 Email jmm2@miamidade.gov

Street

Miami

FL

33128

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:

Miami-Dade County

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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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 304

INTRODUCER: Senator Hooper

SUBJECT: Household Moving Services

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 304 broadens protections for consumers who use intrastate moving services by:

- Providing additional registration and proof of registration requirements for movers and moving brokers;
- Providing for a required performance bond or certificate of deposit in certain circumstances for shippers' moved goods;
- Requiring a binding estimate of the cost of services, including any applicable fees of a moving broker, to be provided by the mover to a prospective shipper;
- Requiring a moving broker to arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move;
- Requiring a moving broker to include certain information on any document provided by the moving broker to a shipper; and
- Requiring the Department of Agriculture and Consumer Services to suspend a mover's or moving broker's registration under certain circumstances.

The bill has an indeterminate, but likely insignificant impact on state revenues or expenditures.

The bill provides an effective date of July 1, 2024.

II. Present Situation:

Moving Scams

The Better Business Bureau (BBB) has seen a marked increase in complaints and negative reviews about movers in recent years.¹ In 2022, nearly 15,198 complaints were filed with the BBB against moving companies.² Additionally, consumers reported more than \$129,040 lost to moving scams to the BBB Scam Tracker.³

One frequent moving scam involves an initial low-ball estimate (usually provided without an in-person visit to review the belongings that need to be moved) that turns into a demand for a much higher price once all of the household belongings are on the moving truck and awaiting delivery. The truck driver can simply drive away if the consumer refuses to pay the higher price.^{4,5}

Another scam requires the shipper to sign a blank or incomplete estimate or contract, which results in a higher than expected price demanded at the time of delivery.⁶

On December 8, 2022, Attorney General Moody filed legal action against three individuals, two holding companies, and multiple fraudulent moving brokerage businesses.⁷ According to the consumer protection investigation, the businesses acted as a common enterprise to deceive more than 400 Floridians into believing the company professionally handled moving services, and promised to provide refunds if anything went wrong. Instead, the companies hired third parties to complete the moving services at subpar quality and refused to provide refunds.⁸

Florida (Intrastate) Mover Regulations

Chapter 507, F.S., governs the loading, transportation, shipment, unloading, and affiliated storage of household goods as part of intrastate household moves. The chapter applies to any mover or moving broker engaged in intrastate transportation or shipment of household goods that

¹ Better Business Bureau, *Know Your Mover: BBB Study Reveals Scammers Price Gouge, Take Belongings Hostage, and Destroy Goods* (Jun. 30, 2020), available at <https://www.bbb.org/article/news-releases/22659-know-your-mover-bbb-study-reveals-scammers-price-gouge-take-belongings-hostage-and-destroy-goods> (last visited Dec. 4, 2023).

² Better Business Bureau, *BBB Scam Alert: Avoid Moving Scams this National Moving Month* (May 17, 2023) available at <https://www.bbb.org/article/scams/24198-bbb-scam-alert-avoid-moving-scams-this-national-moving-month> (last visited Dec. 4, 2023).

³ *Id.*

⁴ Better Business Bureau, *Know Your Mover: BBB Study Reveals Scammers Price Gouge, Take Belongings Hostage, and Destroy Goods* (Jun. 30, 2020), available at <https://www.bbb.org/article/news-releases/22659-know-your-mover-bbb-study-reveals-scammers-price-gouge-take-belongings-hostage-and-destroy-goods> (last visited Dec. 4, 2023).

⁵ See, e.g., Jackie Callaway, *Record Number of People File Complaints About Florida Movers in 2021; BBB rates 1,300 Companies 'F'*, (Dec. 2, 2021), available at <https://www.abcactionnews.com/money/consumer/taking-action-for-you/record-number-of-people-file-complaints-about-florida-movers-in-2021-bbb-rates-1-300-companies-f> (last visited Dec. 4, 2023).

⁶ Florida Attorney General's Office, *Scams at a Glance: On the Move*, available at [http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLQQL/\\$file/Movers_Scams+at+a+Glance_English.pdf](http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLQQL/$file/Movers_Scams+at+a+Glance_English.pdf) (last visited Dec. 4, 2023).

⁷ See Office of Attorney General Ashley Moody, *Attorney General Moody Takes Action to Shut Down Massive Moving Scam* (Dec. 8, 2022), available at [News Release - Attorney General Moody Takes Action to Shut Down Massive Moving Scam \(myfloridalegal.com\)](https://www.myfloridalegal.com/news-release-attorney-general-moody-takes-action-to-shut-down-massive-moving-scam) (last visited Dec. 4, 2023).

⁸ *Id.*

originates and terminates in Florida.⁹ These regulations co-exist with federal law, which governs interstate moving of household goods.¹⁰

A “mover” is a person who, for compensation, contracts for or engages in the loading, transportation, shipment, or unloading of household goods as part of a household move.¹¹ A “moving broker” arranges for another person to load, transport, ship, or unload household goods as part of a household move or who refers a shipper to a mover by telephone, postal, or electronic mail, website, or other means.¹²

Movers and moving brokers who do business in Florida must register annually with the Department of Agriculture and Consumer Services (Department).¹³ As of December 4, 2023, there were 1,348 movers and 39 moving brokers with active Florida registrations.¹⁴ In order to obtain a registration certificate, the mover or moving broker must file an application, pay a \$300 annual registration fee, and meet certain statutory qualifications, including proof of insurance coverage.¹⁵

Insurance Coverage and Liability Limitations

Movers and moving brokers must maintain liability and motor vehicle insurance. A mover who operates more than two vehicles is required to maintain liability insurance of at least \$10,000 per shipment, and not less than 60 cents per pound, per article.¹⁶ Movers who operate fewer than two vehicles are required only to carry either a \$25,000 performance bond or a \$25,000 certificate of deposit in lieu of liability insurance.¹⁷

Any contractual limitation to a mover’s liability for loss incurred to a shipper’s goods must be disclosed in writing to the shipper, along with the valuation rate, but a mover’s attempt to limit its liability beyond the minimum 60 cents per pound, per article rate is void under s. 507.04(4), F.S. If the mover offers valuation insurance, it must inform the shipper of the opportunity to purchase valuation coverage to compensate the shipper for household goods that are lost or damaged during a household move, prior to execution of the contract for moving services.¹⁸

⁹ Section 507.02, F.S.

¹⁰ Interstate movers in the U.S. must be licensed by the Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA).

¹¹ Section 507.01(9), F.S.

¹² Section 507.01(10), F.S.

¹³ Florida Department of Agriculture and Consumer Services (FDACS), *Moving Companies: Who has to Register?*, available at <https://www.fdacs.gov/Business-Services/Moving-Companies> (last visited Dec. 4, 2023).

¹⁴ FDACS, *License/Complaint Lookup*, available at <https://csapp.fdacs.gov/cspublicapp/businesssearch/businesssearch.aspx> (last visited Dec. 4, 2023). Search by “program.”

¹⁵ Section 507.03, F.S.

¹⁶ Sections 507.04(1)(a)1. and 507.04(4), F.S.

¹⁷ Section 507.04(1)(b), F.S.

¹⁸ Section 507.04(5), F.S.

Violations and Penalties

Section 507.05, F.S., requires an intrastate mover to provide an estimate and contract to the shipper before commencing the move. Should a dispute arise over payment or costs, s. 507.06, F.S., provides that the mover may place the shipper's goods in a storage unit until payment is tendered. Because of ambiguity regarding what payment may legally be demanded, some shippers have been taken advantage of by deceptive or fraudulent moving practices. Often, moving fraud manifests as an increased fee assessed by the mover, who then refuses to relinquish the shipper's goods until the inflated price has been paid in full.

While administrative, civil, and criminal penalties exist in ch. 507, F.S., for such fraudulent moving practices and other violations, the aggrieved shipper is not guaranteed the return of his or her goods until after such remedies have been finalized.

In March of 2021, the Florida Consumer Protection Division within the Office of the Attorney General secured four judgments against moving companies that used deceptive advertising, failed to provide proper estimates, failed to relinquish household goods, and failed to provide timely pick-up or delivery of goods in accordance with service contracts.¹⁹

Local Ordinances and Regulations

Chapter 507, F.S., preempts local ordinances or regulations that relate to household moving, unless the local regulation was adopted prior to January 1, 2011.²⁰ Broward,²¹ Miami-Dade,²² Palm Beach,²³ and Pinellas²⁴ counties currently have such ordinances. Movers or moving brokers whose principal place of business is located in a county or municipality with such an ordinance are required to register under local and state laws. State law also allows for local taxes, fees, and bonding related to movers and moving brokers, so long as any local registration fees are reasonable and do not exceed the cost of administering the ordinance or regulation.²⁵

III. Effect of Proposed Changes:

Definitions and Legislative Intent

Section 1 amends the following definitions in s. 507.01, F.S.:

¹⁹ Office of the Attorney General, *Attorney General Moody Shuts Down Moving Scams and Recovers Millions for Consumers Duped by Malicious Movers* (Mar. 2, 2021), available at <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/0BFF0224649D124D8525868C005A765F?Open&> (last visited Dec. 4, 2023).

²⁰ Section 507.13, F.S.

²¹ Broward County Government, *Movers*, available at <https://www.broward.org/Consumer/ConsumerProtection/Movers/Pages/default.aspx> (last visited Dec. 4, 2023).

²² Miami-Dade County, *Moving Companies—Laws & Tips*, available at <https://www.miamidade.gov/global/economy/consumer-protection/moving-companies.page#:~:text=Movers%20must%20insure%20your%20property,the%20value%20of%20your%20property.&text=The%20amount%20of%20added%20value%20you%20purchase%20is%20up%20to%20you>. (last visited Dec. 4, 2023).

²³ Palm Beach County, *Moving*, available at <https://discover.pbcbgov.org/publicsafety/consumeraffairs/pages/moving.aspx> (last visited Dec. 4, 2023).

²⁴ Pinellas County, *Moving*, available at <https://www.pinellascounty.org/consumer/moving.htm> (last visited Dec. 4, 2023).

²⁵ Section 507.13, F.S.

- “Contract for service” or “bill of lading” means a written document prepared by a registered mover which is approved and electronically acknowledged or signed by the shipper in writing before the performance of any service by the mover and which authorizes the named mover to perform the services and lists all costs associated with the household move and accessorial services to be performed;
- “Estimate” means a written document prepared by a registered mover which sets forth the total costs and describes the basis of those costs, related to a shipper’s household move, including, but not limited to, the loading, transportation or shipment, and unloading of household goods and accessorial services; and
- “Moving broker” or “broker” means a person who, for compensation, arranges with a registered mover for loading, transporting or shipping, or unloading of household goods as part of a household move or who, for compensation, refers a shipper to a registered mover.

Section 2 amends s. 507.02, F.S., to provide that the bill is intended to establish the law of Florida governing the brokering of moves of household goods by moving brokers.

Mover Registration

Section 3 amends s. 507.03, F.S., to clarify that “broker” means “moving broker.”

The bill clarifies that each estimate or contract of a “mover” must include a phrase that contains the following:

- The name of the firm;
- A Statement that includes the firm is registered with the State of Florida as a mover; and
- A Florida mover registration number.

The bill also clarifies that any document from a “moving broker” must include:

- The name of the firm;
- A statement that includes the firm is registered with the State of Florida as a moving broker; and
- A Florida moving broker registration number.

Additionally, the bill states that each advertisement of a “moving broker” must include the following:

- A Florida moving broker registration number;
- The name of the firm; and
- A phrase that states the firm is paid by a shipper to arrange, or offer to arrange, the transportation of property by a registered mover.

The bill requires each moving broker to provide the Department of Agriculture and Consumer Services (department) with a complete list of registered movers that the moving broker has contracted or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover’s complete name, address, telephone number, email address, and registration number and the name of each mover’s owners, corporate officers, and directors. Additionally, a moving broker must notify the department of any changes to the provided

information, and the department must publish and maintain a list of all moving brokers and the registered movers each moving broker is contracted with on its website.

The bill provides that a person may not hold themselves out to be a mover or moving broker without first registering with the department.

The bill requires the department to immediately issue a cease and desist order to a person upon finding that such person is operating as a mover or moving broker without registering. Additionally, the department may seek an immediate injunction from the appropriate circuit court that prohibits the person from operating in Florida until the person complies with the registration requirement, a civil penalty not to exceed \$5,000, and court costs.

Insurance Requirement

Section 4 amends the insurance requirements in s. 507.04, F.S. The bill authorizes a mover that operates two or fewer vehicles, in lieu of maintaining liability insurance coverage, to maintain one of the following alternative coverages:

- A performance bond in the amount of \$50,000, up from the current \$25,000, for which the surety of the bond must be a surety company authorized to conduct business in Florida; or
- A certificate of deposit in a Florida banking institution in the amount of \$50,000, up from the current \$25,000.

The bill also requires a moving broker to maintain one of the above listed coverages.

The bill requires the department to immediately suspend a mover's or moving broker's registration if the mover or moving broker fails to maintain the required performance bond, certificate of deposit, or the appropriate insurance. In such cases, the mover or moving broker must immediately cease operating as a mover or moving broker in Florida. Additionally, the department may seek an immediate injunction from the appropriate circuit court that prohibits the person from operating in Florida until the person complies with the aforementioned requirements, a civil penalty not to exceed \$5,000, and court costs.

Estimates and Contracts for Service

Section 5 amends s. 507.05, F.S., to require that an estimate and a contract must be prepared by a registered mover and provided to a prospective shipper in writing, and the shipper, mover, and moving broker must sign or electronically acknowledge and date the estimate and contract.

The bill requires the estimate and contract for service to include the following:

- The name, telephone number, and physical address where the mover's and moving broker's employees are available during normal business hours;
- The date the estimate and contract were prepared by the mover and the proposed date or dates of the shipper's household move, including, but not limited to, loading, transportation, shipment, and unloading of household goods and accessorial services;
- The name and address of the shipper, the addresses where the articles are to be picked up and delivered, and a telephone number where the shipper may be reached;

- The name, telephone number, and physical address of the location where the household goods will be held pending further transportation, including situations in which the mover retains possession of household goods pending resolution of a fee dispute with the shipper;
- An itemized breakdown and description and total of all costs and services for loading, transportation or shipment, unloading, and accessorial services to be provided during a household move or storage of household goods, including the fees of a moving broker, if used; and
- Acceptable forms of payment, which must be clearly and conspicuously disclosed to the shipper on the binding estimate and the contract for services.

Moving Brokers

Section 6 creates s. 507.056, F.S., to provide requirements specific to moving brokers.

The bill establishes that a moving broker may only arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move or refer a shipper to a registered mover. Moving brokers may not give a verbal estimate or prepare a written estimate or contract for services that sets forth the total costs and describes the basis of those costs relating to a shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services.

The bill provides that before providing any service to a prospective shipper, a moving broker must disclose to the shipper that the broker may only arrange, or offer to arrange, the transportation of property by a registered mover. Additionally, a moving broker's fees may not include the cost of the shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services.

The bill requires any document provided to a shipper by a moving broker to include the following:

- The name of the moving broker and the moving broker's registration number;
- The following statement displayed at the top of the document:
 - The name of the moving broker firm and that the firm is not a mover; and
 - The name of the moving broker firm and a phrase stating the moving broker is paid by the shipper to arrange, or offer to arrange, the transportation of property by a registered mover. The moving broker's fees do not include the cost of the shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services;
- The name, telephone number, and physical address where the moving broker's employees are available during normal business hours;
- An itemized breakdown and description and total of all costs for the moving broker's fees to arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move or to refer the shipper to a registered mover;
- A list of all of the registered movers the moving broker has contracted with or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover's complete name, address, telephone number, email address, Florida Intrastate Registration Number, and the name of each mover's owners, corporate officers, and directors; and

- A list of acceptable forms of payment, which must include all of the forms of payment listed in at least two of the following subparagraphs:
 - Cash, cashier's check, money order, or traveler's check;
 - Valid personal check, showing upon its face the name and address of the shipper or authorized representative; and
 - Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

Violations and Penalties

Section 7 amends s. 507.07, F.S., to prohibit a moving broker from providing an estimate or entering into a contract or agreement for moving, loading, shipping, transporting, or unloading services with a shipper which was not prepared and electronically acknowledged or signed by a mover who is registered with the department.

Section 8 amends s. 507.09, F.S., to provide that upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, the department must immediately suspend a registration or the processing of an application for a registration if the registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving;

- Fraud;
- Theft;
- Larceny;
- Embezzlement;
- Fraudulent conversion;
- Misappropriation of property; or
- A crime arising from conduct during a movement of household goods until final disposition of the case or removal or resignation of that officer or director.

Section 9 makes conforming changes to s. 507.10, F.S., to incorporate amendments made elsewhere in the bill.

Section 10 amends s. 507.11, F.S., to clarify that it is a felony of the third degree, if a mover or mover's employee, agent, or contractor refuses to comply with an order from a law enforcement officer to relinquish a shipper's household goods in the following scenarios:

- After the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper; or
- If the officer determines that the mover did not produce a signed or electronically acknowledged binding estimate or contract for service and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper.

Effective Date

Section 11 creates an effective date of July 1, 2024.

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 public may see a faster resolution to moving disputes that arise due to the provisions in the bill.

C. Government Sector Impact:

Implementation of this bill will have an indeterminate fiscal impact to the department. Any additional operating costs will be absorbed within existing resources. There may be additional revenues collected, but will likely be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement that a registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving fraud, theft, larceny, embezzlement, or fraudulent conversion, the Department of

Agriculture and Consumer Services (department) is required to suspend a registration or the processing of an application for registration until final disposition of the case or removal or resignation of that officer or director. However, it is unclear if the department is receiving notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, or alternatively, if the department is receiving notification from any person or entity, and then getting a subsequent written verification from one of the aforementioned entities.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 507.01, 507.02, 507.03, 507.04, 507.05, 507.07, 507.09, 507.10, and 507.11.

This bill creates section 507.056 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 Hooper

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1 A bill to be entitled
 2 An act relating to household moving services; amending
 3 s. 507.01, F.S.; revising definitions; amending s.
 4 507.02, F.S.; providing construction; amending s.
 5 507.03, F.S.; revising requirements for mover and
 6 moving broker estimates, contracts, and
 7 advertisements; conforming a cross-reference; revising
 8 requirements relating to lists that moving brokers
 9 must provide to the Department of Agriculture and
 10 Consumer Services; requiring the department to publish
 11 and maintain a specified list on its website;
 12 prohibiting certain persons from operating as or
 13 holding themselves out to be a mover or moving broker
 14 without first registering with the department;
 15 requiring the department to issue cease and desist
 16 orders to certain persons under certain circumstances;
 17 authorizing the department to seek an immediate
 18 injunction under certain circumstances; making
 19 technical changes; amending s. 507.04, F.S.; revising
 20 alternative insurance coverage requirements for
 21 movers; revising liability coverage requirements for
 22 moving brokers; requiring the department to
 23 immediately suspend a mover's or moving broker's
 24 registration under certain circumstances; authorizing
 25 the department to seek an immediate injunction under
 26 certain circumstances; conforming cross-references;
 27 amending s. 507.05, F.S.; revising requirements for
 28 contracts and estimates for prospective shippers;
 29 creating s. 507.056, F.S.; providing limitations and

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30 prohibitions for moving brokers; requiring moving
 31 brokers to make a specified disclosure to shippers
 32 before providing any services; prohibiting moving
 33 brokers' fees from including certain costs; requiring
 34 that the documents moving brokers provide to shippers
 35 contain specified information; amending s. 507.07,
 36 F.S.; providing that it is a violation of ch. 507,
 37 F.S., for moving brokers to provide estimates or enter
 38 into contracts or agreements that were not prepared
 39 and signed or electronically acknowledged by a
 40 registered mover; amending s. 507.09, F.S.; conforming
 41 a cross-reference; requiring the department, upon
 42 verification by certain entities, to immediately
 43 suspend a registration or the processing of an
 44 application for a registration in certain
 45 circumstances; amending s. 507.10, F.S.; conforming a
 46 cross-reference; amending s. 507.11, F.S.; conforming
 47 provisions to changes made by the act; providing an
 48 effective date.

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

51
 52 Section 1. Subsections (4), (6), and (10) of section
 53 507.01, Florida Statutes, are amended to read:
 54 507.01 Definitions.—As used in this chapter, the term:
 55 (4) "Contract for service" or "bill of lading" means a
 56 written document prepared by a registered mover which is
 57 approved and electronically acknowledged or signed by the
 58 shipper in writing before the performance of any service by the

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59 ~~move~~ and which authorizes ~~services from~~ the named mover to to
 60 perform ~~and lists~~ the services and lists all costs associated
 61 with the household move and accessorial services to be
 62 performed.

63 (6) "Estimate" means a written document prepared by a
 64 registered mover which ~~that~~ sets forth the total costs and
 65 describes the basis of those costs, relating to a shipper's
 66 household move, including, but not limited to, the loading,
 67 transportation or shipment, and unloading of household goods and
 68 accessorial services.

69 (10) "Moving broker" or "broker" means a person who, for
 70 compensation, arranges with a registered mover for loading,
 71 transporting or shipping, or unloading of ~~for another person to~~
 72 load, transport or ship, or unload household goods as part of a
 73 household move or who, for compensation, refers a shipper to a
 74 registered mover by telephone, postal or electronic mail,
 75 Internet website, or other means.

76 Section 2. Present paragraph (b) of subsection (1) of
 77 section 507.02, Florida Statutes, is redesignated as paragraph
 78 (c), and a new paragraph (b) is added to that subsection, to
 79 read:

80 507.02 Construction; intent; application.—

81 (1) This chapter shall be construed liberally to:

82 (b) Establish the law of this state governing the brokering
 83 of moves of household goods by moving brokers.

84 Section 3. Subsections (1), (2), (5), (6), (7), (9), and
 85 (11) of section 507.03, Florida Statutes, are amended, and
 86 subsections (12) and (13) are added to that section, to read:

87 507.03 Registration.—

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88 (1) Each mover and moving broker must register with the
 89 department, providing its legal business and trade name, mailing
 90 address, and business locations; the full names, addresses, and
 91 telephone numbers of its owners, ~~or~~ corporate officers, and
 92 directors and the Florida agent of the corporation; a statement
 93 whether it is a domestic or foreign corporation, its state and
 94 date of incorporation, its charter number, and, if a foreign
 95 corporation, the date it registered with the Department of
 96 State; the date on which the mover or moving broker registered
 97 its fictitious name if the mover or moving broker is operating
 98 under a fictitious or trade name; the name of all other
 99 corporations, business entities, and trade names through which
 100 each owner of the mover or moving broker operated, was known, or
 101 did business as a mover or moving broker within the preceding 5
 102 years; and proof of the insurance or alternative coverages
 103 required under s. 507.04.

104 (2) A certificate evidencing proof of registration shall be
 105 issued by the department and must be prominently displayed in
 106 the mover's or moving broker's primary place of business.

107 (5) (a) Each estimate or contract of a mover ~~or moving~~
 108 ~~broker~~ must include the phrase "... (NAME OF FIRM) ... is
 109 registered with the State of Florida as a Mover ~~or Moving~~
 110 ~~Broker~~. Fla. Mover Registration No."

111 (b) Any document from a moving broker must include the
 112 phrase "... (NAME OF FIRM) ... is registered with the State of
 113 Florida as a Moving Broker. Fla. Moving Broker Registration No.
 114"

115 (6) (a) Each advertisement of a mover ~~or moving broker~~ must
 116 include the phrase "Fla. Mover Reg. No." or "Fla. IM No.

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117" Each of the mover's vehicles must clearly and
 118 conspicuously display a sign on the driver's side door which
 119 includes at least one of these phrases in lettering of at least
 120 1.5 inches in height.

121 (b) Each advertisement of a moving broker must include the
 122 phrase "Fla. Moving Broker Reg. No. (NAME OF MOVING
 123 BROKER)... is a moving broker. ... (NAME OF MOVING BROKER)... is
 124 paid by a shipper to arrange, or offer to arrange, the
 125 transportation of property by a registered mover."

126 (7) A registration is not valid for any mover or moving
 127 broker transacting business at any place other than that
 128 designated in the mover's or moving broker's application, unless
 129 the department is first notified in writing before any change of
 130 location. A registration issued under this chapter is not
 131 assignable, and the mover or moving broker may not conduct
 132 business under more than one name except as registered. A mover
 133 or moving broker desiring to change its registered name or
 134 location or designated agent for service of process at a time
 135 other than upon renewal of registration must notify the
 136 department of the change.

137 (9) The department shall deny or refuse to renew the
 138 registration of a mover or a moving broker or deny a
 139 registration or renewal request by any of the mover's or moving
 140 broker's directors, officers, owners, or general partners if the
 141 mover or moving broker has not satisfied a civil penalty or
 142 administrative fine for a violation of s. 507.07(10) ~~s.~~
 143 ~~507.07(9)~~.

144 (11) ~~At the request of the department,~~ Each moving broker
 145 shall provide the department with a complete list of the

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146 registered movers that the moving broker has contracted or is
 147 affiliated with, advertises on behalf of, arranges moves for, or
 148 refers shippers to, including each mover's complete name,
 149 address, telephone number, ~~and~~ e-mail address, and registration
 150 number and the name of each mover's owners, corporate officers,
 151 and directors ~~owner or other principal~~. A moving broker must
 152 notify the department of any changes to the provided
 153 information. The department shall publish and maintain on its
 154 website a list of all moving brokers and the registered movers
 155 each moving broker is contracted with.

156 (12) A person required to register pursuant to this section
 157 may not operate as or hold itself out to be a mover or moving
 158 broker without first registering with the department pursuant to
 159 this section.

160 (13) The department must immediately issue a cease and
 161 desist order to a person upon finding that the person is
 162 operating as a mover or a moving broker without registering
 163 pursuant to this section. In addition, and notwithstanding the
 164 availability of any administrative relief under chapter 120, the
 165 department may seek from the appropriate circuit court an
 166 immediate injunction prohibiting the person from operating in
 167 this state until the person complies with this section and pays
 168 a civil penalty not to exceed \$5,000 and court costs.

169 Section 4. Present subsections (3), (4), and (5) of section
 170 507.04, Florida Statutes, are redesignated as subsections (4),
 171 (5), and (6), respectively, a new subsection (3) is added to
 172 that section, and subsection (1) and present subsections (4) and
 173 (5) of that section are amended, to read:

174 507.04 Required insurance coverages; liability limitations;

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175 valuation coverage.—

176 (1) LIABILITY INSURANCE.—

177 (a)1. Except as provided in paragraph (b), each mover
178 operating in this state must maintain current and valid
179 liability insurance coverage of at least \$10,000 per shipment
180 for the loss or damage of household goods resulting from the
181 negligence of the mover or its employees or agents.

182 2. The mover must provide the department with evidence of
183 liability insurance coverage before the mover is registered with
184 the department under s. 507.03. All insurance coverage
185 maintained by a mover must remain in effect throughout the
186 mover's registration period. A mover's failure to maintain
187 insurance coverage in accordance with this paragraph constitutes
188 an immediate threat to the public health, safety, and welfare.

189 (b) A mover that operates two or fewer vehicles, in lieu of
190 maintaining the liability insurance coverage required under
191 paragraph (a), may, ~~and each moving broker must,~~ maintain one of
192 the following alternative coverages:

193 1. A performance bond in the amount of \$50,000 ~~\$25,000~~, for
194 which the surety of the bond must be a surety company authorized
195 to conduct business in this state; or

196 2. A certificate of deposit in a Florida banking
197 institution in the amount of \$50,000 ~~\$25,000~~.

198 (c) A moving broker must maintain one of the following
199 coverages:

200 1. A performance bond in the amount of \$50,000, for which
201 the surety of the bond must be a surety company authorized to
202 conduct business in this state; or

203 2. A certificate of deposit in a Florida banking

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204 institution in the amount of \$50,000.

205
206 The original bond or certificate of deposit must be filed with
207 the department and must designate the department as the sole
208 beneficiary. The department must use the bond or certificate of
209 deposit exclusively for the payment of claims to consumers who
210 are injured by the fraud, misrepresentation, breach of contract,
211 misfeasance, malfeasance, or financial failure of the mover or
212 moving broker or by a violation of this chapter by the mover or
213 moving broker. Liability for these injuries may be determined in
214 an administrative proceeding of the department or through a
215 civil action in a court of competent jurisdiction. However,
216 claims against the bond or certificate of deposit must only be
217 paid, in amounts not to exceed the determined liability for
218 these injuries, by order of the department in an administrative
219 proceeding. The bond or certificate of deposit is subject to
220 successive claims, but the aggregate amount of these claims may
221 not exceed the amount of the bond or certificate of deposit.

222 (3) REGISTRATION SUSPENSION.—The department must
223 immediately suspend a mover's or moving broker's registration if
224 the mover or moving broker fails to maintain the performance
225 bond or certificate of deposit required under subsection (1) or
226 the insurance required under subsection (2), and the mover or
227 moving broker must immediately cease operating as a mover or
228 moving broker in this state. In addition, and notwithstanding
229 the availability of any administrative relief pursuant to
230 chapter 120, the department may seek from a circuit court an
231 immediate injunction prohibiting the mover or moving broker from
232 operating in this state until the mover or moving broker

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233 complies with subsections (1) and (2) and pays a civil penalty
 234 not to exceed \$5,000 and court costs.

235 ~~(5)-(4)~~ LIABILITY LIMITATIONS; VALUATION RATES.—A mover may
 236 not limit its liability for the loss or damage of household
 237 goods to a valuation rate that is less than 60 cents per pound
 238 per article. A provision of a contract for moving services is
 239 void if the provision limits a mover's liability to a valuation
 240 rate that is less than the minimum rate under this subsection.
 241 If a mover limits its liability for a shipper's goods, the mover
 242 must disclose the limitation, including the valuation rate, to
 243 the shipper in writing at the time that the estimate and
 244 contract for services are executed and before any moving or
 245 accessorial services are provided. The disclosure must also
 246 inform the shipper of the opportunity to purchase valuation
 247 coverage if the mover offers that coverage under subsection (6)
 248 ~~(5)~~.

249 (6)-(5) VALUATION COVERAGE.—A mover may offer valuation
 250 coverage to compensate a shipper for the loss or damage of the
 251 shipper's household goods that are lost or damaged during a
 252 household move. If a mover offers valuation coverage, the
 253 coverage must indemnify the shipper for at least the minimum
 254 valuation rate required under subsection (5) (4). The mover must
 255 disclose the terms of the coverage to the shipper in writing at
 256 the time that the estimate and contract for services are
 257 executed and before any moving or accessorial services are
 258 provided. The disclosure must inform the shipper of the cost of
 259 the valuation coverage, the valuation rate of the coverage, and
 260 the opportunity to reject the coverage. If valuation coverage
 261 compensates a shipper for at least the minimum valuation rate

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262 required under subsection (5) (4), the coverage satisfies the
 263 mover's liability for the minimum valuation rate.

264 Section 5. Section 507.05, Florida Statutes, is amended to
 265 read:

266 507.05 Estimates and contracts for service.—Before
 267 providing any moving or accessorial services, an estimate and a
 268 contract and estimate must be prepared by a registered mover and
 269 provided to a prospective shipper in writing, and the shipper,
 270 the mover, and, if applicable, the moving broker must sign or
 271 electronically acknowledge and date the estimate and contract.
 272 At a minimum, the estimate and contract for service must be
 273 signed and dated by the shipper and the mover, and must include:

274 (1) The name, telephone number, and physical address where
 275 the mover's and, if applicable, the moving broker's employees
 276 are available during normal business hours.

277 (2) The date the estimate and contract were or estimate is
 278 prepared by the mover and the any proposed date or dates of the
 279 shipper's household move, including, but not limited to,
 280 loading, transportation, shipment, and unloading of household
 281 goods and accessorial services.

282 (3) The name and address of the shipper, the addresses
 283 where the articles are to be picked up and delivered, and a
 284 telephone number where the shipper may be reached.

285 (4) The name, telephone number, and physical address of the
 286 any location where the household goods will be held pending
 287 further transportation, including situations in which where the
 288 mover retains possession of household goods pending resolution
 289 of a fee dispute with the shipper.

290 (5) An itemized breakdown and description and total of all

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291 costs and services for loading, transportation or shipment,
 292 unloading, and accessorial services to be provided during a
 293 household move or storage of household goods, including the fees
 294 of a moving broker, if used.

295 (6) Acceptable forms of payment, which must be clearly and
 296 conspicuously disclosed to the shipper on the binding estimate
 297 and the contract for services. A mover must ~~shall~~ accept at
 298 least a minimum of two of the three following forms of payment:

299 (a) Cash, cashier's check, money order, or traveler's
 300 check;

301 (b) Valid personal check, showing upon its face the name
 302 and address of the shipper or authorized representative; or

303 (c) Valid credit card, which shall include, but not be
 304 limited to, Visa or MasterCard.

305

306 A mover must clearly and conspicuously disclose to the shipper
 307 in the estimate and contract for services the forms of payments
 308 the mover will accept, including the forms of payment described
 309 in paragraphs (a)-(c).

310 Section 6. Section 507.056, Florida Statutes, is created to
 311 read:

312 507.056 Moving brokers; services.—

313 (1) A moving broker may only arrange with a registered
 314 mover for the loading, transportation or shipment, or unloading
 315 of household goods as part of a household move or refer a
 316 shipper to a registered mover. Moving brokers may not give a
 317 verbal estimate or prepare a written estimate or contract for
 318 services which sets forth the total costs and describes the
 319 basis of those costs relating to a shipper's household move,

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320 including, but not limited to, the loading, transportation or
 321 shipment, or unloading of household goods and accessorial
 322 services.

323 (2) Before providing any service to a prospective shipper,
 324 a moving broker must disclose to the shipper that the broker may
 325 only arrange, or offer to arrange, the transportation of
 326 property by a registered mover. A moving broker's fees may not
 327 include the cost of the shipper's household move, including, but
 328 not limited to, the loading, transportation or shipment, or
 329 unloading of household goods and accessorial services. Any
 330 document provided to a shipper by a moving broker must include
 331 all of the following:

332 (a) The name of the moving broker and the moving broker's
 333 registration number.

334 (b) The following statement displayed at the top of the
 335 document: "... (Name of Moving Broker) ... is not a mover.
 336 ... (Name of Moving Broker) ... is paid by the shipper to arrange,
 337 or offer to arrange, the transportation of property by a
 338 registered mover. The moving broker's fees do not include the
 339 cost of the shipper's household move, including, but not limited
 340 to, the loading, transportation or shipment, or unloading of
 341 household goods and accessorial services."

342 (c) The name, telephone number, and physical address where
 343 the moving broker's employees are available during normal
 344 business hours.

345 (d) An itemized breakdown, description, and total of all
 346 fees the moving broker charges to arrange with a registered
 347 mover for the loading, transportation or shipment, or unloading
 348 of household goods as part of a household move or to refer the

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349 shipper to a registered mover.

350 (e) A list of all of the registered movers the moving
 351 broker has contracted with or is affiliated with, advertises on
 352 behalf of, arranges moves for, or refers shippers to, including
 353 each mover's complete name, address, telephone number, e-mail
 354 address, and Florida Intrastate Registration Number and the name
 355 of each mover's owners, corporate officers, and directors.

356 (f) A list of acceptable forms of payment, which must
 357 include all of the forms of payment listed in at least two of
 358 the following subparagraphs:

- 359 1. Cash, cashier's check, money order, or traveler's check.
- 360 2. Valid personal check, showing upon its face the name and
 361 address of the shipper or authorized representative.
- 362 3. Valid credit card, including, but not limited to, Visa
 363 or MasterCard.

364 Section 7. Present subsections (8) and (9) of section
 365 507.07, Florida Statutes, are redesignated as subsections (9)
 366 and (10), respectively, and a new subsection (8) is added to
 367 that section, to read:

368 507.07 Violations.—It is a violation of this chapter:

369 (8) For a moving broker to provide an estimate or enter
 370 into a contract or agreement for moving, loading, shipping or
 371 transporting, or unloading services with a shipper which was not
 372 prepared and electronically acknowledged or signed by a mover
 373 who is registered with the department pursuant to this chapter.

374 Section 8. Section 507.09, Florida Statutes, is amended to
 375 read:

376 507.09 Administrative remedies; penalties.—

377 (1) The department may enter an order doing one or more of

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378 the following if the department finds that a mover or moving
 379 broker, or a person employed or contracted by a mover or moving
 380 broker, has violated or is operating in violation of this
 381 chapter or the rules or orders issued pursuant to this chapter:

- 382 (a) Issuing a notice of noncompliance under s. 120.695.
- 383 (b) Imposing an administrative fine in the Class II
 384 category pursuant to s. 570.971 for each act or omission.
 385 However, the department must impose an administrative fine in
 386 the Class IV category for each violation of s. 507.07(10) s-
 387 507.07(9) if the department does not seek a civil penalty for
 388 the same offense.
- 389 (c) Directing that the person cease and desist specified
 390 activities.
- 391 (d) Refusing to register or revoking or suspending a
 392 registration.
- 393 (e) Placing the registrant on probation, subject to the
 394 conditions specified by the department.
- 395 (2) The department, upon notification and subsequent
 396 written verification by a law enforcement agency, a court, a
 397 state attorney, or the Department of Law Enforcement, must
 398 immediately suspend a registration or the processing of an
 399 application for a registration if the registrant, applicant, or
 400 officer or director of the registrant or applicant is formally
 401 charged with a crime involving fraud, theft, larceny,
 402 embezzlement, or fraudulent conversion or misappropriation of
 403 property or a crime arising from conduct during a movement of
 404 household goods until final disposition of the case or removal
 405 or resignation of that officer or director.
- 406 (3) The administrative proceedings ~~that~~ ~~which~~ could result

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407 in the entry of an order imposing any of the penalties specified
408 in subsection (1) or subsection (2) are governed by chapter 120.
409 ~~(4)-(3)~~ The department may adopt rules under ss. 120.536(1)
410 and 120.54 to administer this chapter.

411 Section 9. Subsection (2) of section 507.10, Florida
412 Statutes, is amended to read:

413 507.10 Civil penalties; remedies.—

414 (2) The department may seek a civil penalty in the Class II
415 category pursuant to s. 570.971 for each violation of this
416 chapter. However, the department must seek a civil penalty in
417 the Class IV category for each violation of s. 507.07(10) ~~s.~~
418 ~~507.07(9)~~ if the department does not impose an administrative
419 fine for the same offense.

420 Section 10. Subsection (1) of section 507.11, Florida
421 Statutes, is amended to read:

422 507.11 Criminal penalties.—

423 (1) The refusal of a mover or a mover's employee, agent, or
424 contractor to comply with an order from a law enforcement
425 officer to relinquish a shipper's household goods after the
426 officer determines that the shipper has tendered payment of the
427 amount of a written estimate or contract, and, if applicable,
428 amendments to the contract for services reflecting the price
429 adjustment signed by the shipper or after the officer determines
430 that the mover did not produce a signed or electronically
431 acknowledged binding estimate or contract for service and, if
432 applicable, amendments to the contract for services reflecting
433 the price adjustment signed by the shipper upon which demand is
434 being made for payment, is a felony of the third degree,
435 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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436 A mover's compliance with an order from a law enforcement
437 officer to relinquish goods to a shipper is not a waiver or
438 finding of fact regarding any right to seek further payment from
439 the shipper.

440 Section 11. This act shall take effect July 1, 2024.

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The Florida Senate

APPEARANCE RECORD

1/17/24
Meeting Date

SB 304
Bill Number or Topic

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

Appropriation
Committee

Amendment Barcode (if applicable)

Glavin Pugh
Name

850-877-7131
Phone

Professional Matters
Address

Email

Assoc of 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.

The Florida Senate

APPEARANCE RECORD

Jan 17, 2024

Meeting Date

SB0304

Bill Number or Topic

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

APPR COMMITTEE ON AGRIC
Env and General Govt

Committee

Amendment Barcode (if applicable)

Name CHARLIE JONES, AARP FL Phone 850 272 0551

Address 219 South Monroe Ste 603 Email cejjones@aarp.org

Street

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:

AARP Florida

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

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

S-001 (08/10/2021)



The Florida Senate

Committee Agenda Request

To: Senator Jason Brodeur, Chair
Appropriations Committee on Agriculture, Environment, and General
Government

Subject: Committee Agenda Request

Date: December 6, 2023

I respectfully request that **Senate Bill #304**, relating to Household Moving Services, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 21

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Committee on Agriculture, Environment, and General Government

BILL: SB 480

INTRODUCER: Senator DiCeglie

SUBJECT: Renewable Natural Gas

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Schrader</u>	<u>Imhof</u>	<u>RI</u>	<u>Favorable</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 480 amends s. 366.91, F.S., relating to Florida’s renewable energy policy. The bill:

- Allows public utilities to recover, through an appropriate cost-recovery mechanism administered by the Florida Public Service Commission (PSC), reasonably incurred costs for certain renewable natural gas (RNG) infrastructure projects; and
- Specifies limitations and approval requirements for cost recovery for renewable natural gas infrastructure projects in Florida.

The bill revises Florida statutes to encourage the use and development of RNG. The bill:

- Amends s. 373.807, F.S., to require the Department of Environmental Protection (DEP) to include identification of water quality improvement projects that can also produce and capture RNG when adopting basin management action plans (BMAPs) for Outstanding Florida Springs;
- Amends s. 403.067, F.S., to require the DEP, when implementing total maximum daily loads for BMAPs, under certain circumstances where a wastewater treatment plan is necessary, to include in that plan any renewable energy opportunities stemming from the production and capture of RNG;
- Amends s. 403.7055, F.S., to add municipalities and RNG, as defined in s. 366.91(2), F.S., in a provision in current law encouraging counties to form multicounty regional solutions to the capture and reuse or sale of methane gas from landfills and wastewater treatment facilities; and
- Amends s. 570.841, F.S., to revise the farm-to-fuel initiative program, within the Department of Agriculture and Consumer Affairs (DACs), to address the production and capture of RNG.

The bill does not impact state revenues and expenditures. Any expansion of responsibilities effecting the DEP, the DACs or the PSC can be absorbed within existing resources.

The bill has an effective date of July 1, 2024.

II. Present Situation:

Florida Public Service Commission

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.¹ The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe, affordable, and reliable manner.² In order to do so, the PSC exercises authority over public utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.³

The PSC monitors the safety and reliability of the electric power grid⁴ and may order the addition or repair of infrastructure as necessary.⁵ The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities.⁶ However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, bulk power supply operations, and planning.⁷ Municipally owned utility rates and revenues are regulated by their respective local governments. Rates and revenues for a cooperative utility are regulated by their governing body elected by the cooperative's membership.

There are four investor-owned electric utility companies (electric IOUs) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), and Florida Public Utilities Corporation (FPUC).⁸ In addition, there are eight investor-owned natural gas utility companies (gas IOUs) in Florida: Florida City Gas, Florida Division of Chesapeake Utilities, FPUC, FPUC-Fort Meade Division, FPUC-Indiantown Division, Peoples Gas System, Sebring Gas System, and St. Joe Natural Gas Company. Of these eight gas IOUs, five engage in the merchant function servicing residential, commercial, and industrial customers: Florida City Gas, FPUC, FPUC-Fort Meade Division, Peoples Gas System, and St. Joe Natural Gas Company. Florida Division of Chesapeake Utilities, FPUC-Indiantown Division, and Sebring Gas System are only engaged in firm transportation service.⁹

¹ Section 350.001, F.S.

² See Florida Public Service Commission (PSC), *Florida Public Service Commission Homepage*, available at <http://www.psc.state.fl.us> (last visited Jan. 11, 2024).

³ PSC, *About the PSC*, available at <https://www.psc.state.fl.us/about> (last visited Jan. 11, 2024).

⁴ Section 366.04(5) and (6), F.S.

⁵ Section 366.05(1) and (8), F.S.

⁶ Section 366.05, F.S.

⁷ Florida Public Service Commission, *About the PSC*, *supra* note 3.

⁸ Florida Public Service Commission, *2022 Facts and Figures of the Florida Utility Industry*, pg. 5, Apr. 2022 available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202022.pdf> (last visited Jan. 11, 2024).

⁹ *Id.* Firm transportation service is offered to customers under schedules or contracts which anticipate no interruption under almost all operating conditions. See Firm transportation service, 18 CFR s. 284.7.

Electric IOU and Gas IOU rates and revenues are regulated by the PSC and the utilities must file periodic earnings reports, which allow the PSC to monitor earnings levels on an ongoing basis and adjust customer rates quickly if a company appears to be overearning.¹⁰

Section 366.041(2), F.S., requires public utilities to provide adequate service to customers. As compensation for fulfilling that obligation, s. 366.06, F.S., requires the PSC to allow the IOUs to recover honestly and prudently invested costs of providing service, including investments in infrastructure and operating expenses used to provide electric service.¹¹

Public Utilities under Chapter 366, Florida Statutes

Pursuant to s. 366.02(8), F.S., “public utility,” as used in ch. 366, F.S., means “every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous substance) to or for the public within this state.” However, all of the following types of utilities are exempted from this definition:

- Rural electric cooperatives.
- Municipal electric and gas utilities.
- Dependent or independent special natural gas districts.
- Any natural gas transmission pipeline company making only sales or transportation delivery of natural gas at wholesale and to direct industrial consumers.
- Any entity, selling or arranging for sales of natural gas, that neither owns nor operates natural gas transmission or distribution facilities within the state.
- A person supplying liquefied petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, or owning or operating facilities beyond the outlet of a meter through which natural gas is supplied for compression and delivery into motor vehicle fuel tanks or other transportation containers, unless such person also supplies electricity or manufactured or natural gas.

Renewable Energy

Section 366.91, F.S., establishes a number of renewable policies for the state. The purpose of these policies, as established in this section, states it is in the public interest to promote the development of renewable energy resources in this state.¹² Further, the statute is intended to encourage fuel diversification to meet Florida’s growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.¹³

The section defines “renewable energy” as:

[E]lectrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced or resulting from

¹⁰ PSC, *2022 Annual Report*, p. 6, (available at: <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/AnnualReports/2022.pdf>) (last visited Jan. 11, 2024).

¹¹ *Id.*

¹² Section 366.91(1), F.S

¹³ *Id.*

sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations and electrical energy produced using pipeline-quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration.¹⁴

Renewable Natural Gas

Natural gas is a fossil energy source which forms beneath the earth's surface. Natural gas contains many different compounds, the largest of which is methane.¹⁵ Conventional natural gas is primarily extracted from subsurface porous rock reservoirs via gas and oil well drilling and hydraulic fracturing, commonly referred to as "fracking." The term renewable natural gas (RNG) refers to biogas that has been upgraded to use in place of fossil fuel natural gas (i.e. conventional natural gas).¹⁶

Section 366.91, F.S., identifies sources for producing RNG as a potential source of renewable energy.¹⁷ The section specifically defines renewable natural gas as anaerobically generated biogas,¹⁸ landfill gas, or wastewater treatment gas refined to a methane content of 90 percent or greater. Under the definition, such gas may be used as a transportation fuel or for electric generation, or is of a quality capable of being injected into a natural gas pipeline.

Biogas used to produce RNG comes from various sources, including municipal solid waste landfills, digesters at water resource recovery facilities, livestock farms, food production facilities, and organic waste management operations.¹⁹ Raw biogas has a methane content between 45 and 65 percent.²⁰ Once biogas is captured, it is treated in a process called conditioning or upgrading, which involves the removal of water, carbon dioxide, hydrogen sulfide, and other trace elements. After this process, the nitrogen and oxygen content is reduced and the RNG has a methane content comparable to natural gas and is thus a suitable energy source in applications that require pipeline-quality gas, such as vehicle applications.²¹

¹⁴ Section 366.91(2)(e), F.S.

¹⁵ United States Energy Information Administration, *Natural gas explained*, Dec. 27, 2022, available at <https://www.eia.gov/energyexplained/natural-gas/> (last visited Jan. 11, 2024)

¹⁶ Environmental Protection Agency, *Landfill Methane Outreach Program (LMOP): Renewable Natural Gas*, available at <https://www.epa.gov/lmop/renewable-natural-gas> (last visited Jan. 11, 2024).

¹⁷ Section 366.91(2)(e), F.S., defines "renewable energy, in part, as energy produced from biomass.

Section 366.91(2)(b), F.S., defines "biomass" in part, as "a power source that is comprised of, but not limited to, combustible residues or gases from...waste, byproducts, or products from agricultural and orchard crops, waste or coproducts from livestock and poultry operations, waste or byproducts from food processing, urban wood waste, municipal solid waste, municipal liquid waste treatment operations, and landfill gas." RNG would be such a combustible gas.

¹⁸ Section 366.91(2)(a) defines "biogas" as a mixture of gases produced by the biological decomposition of organic materials which is largely comprised of carbon dioxide, hydrocarbons, and methane gas.

¹⁹ Environmental Protection Agency, *supra* note 16.

²⁰ *Id.*

²¹ United States Department of Energy, *Renewable Natural Gas Production*, available at https://afdc.energy.gov/fuels/natural_gas_renewable.html (last visited Jan. 11, 2024).

RNG that meets certain standards qualifies as an advanced biofuel under the Federal Renewable Fuel Standard Program.²² This program was enacted by the United States Congress in order to reduce greenhouse gas emissions by reducing reliance on imported oil and expanding the nation's renewable fuels sector.²³

Nationally, there were 538 landfill gas facilities in operation as of August 2022, and, as of May 2022, 330 anaerobic digester systems operating at commercial livestock farms in the United States.²⁴ Of the more than 16,000 wastewater treatment plants in operation in the United States, approximately 1,200 have anaerobic digesters on site, and 860 of those have the equipment to use their biogas on site.²⁵

FPL Woodford Decision

In *Citizens of State v. Graham*, 191 So. 3d 897 (Fla. 2016), the Florida Supreme Court found the PSC lacked statutory authority to approve cost recovery for FPL's investment in a natural gas production facility in the Woodford Shale Gas Region in Oklahoma (Woodford Project). The Woodford Project involved exploration and production of natural gas and not the purchase of actual fuel—something that would generally be within the types of activities an electric utility would engage in. The Supreme Court cited to s. 366.02(2), F.S. (2014), which defines an “electric utility” as “any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state,” and found that the Woodford Project activities did not fall within this definition.²⁶

However, in making its decision, the Supreme Court noted the following:

This may be a good idea, but whether advance cost recovery of speculative capital investments in gas exploration and production by an electric utility is in the public interest is a policy determination that must be made by the Legislature. For example, in contrast to natural gas exploration and production, the Legislature has authorized the PSC to approve cost recovery for capital investments in nuclear power plants and energy efficient and renewable energy power sources. See ss. 366.8255; 366.92; 366.93, Fla. Stat. (2014). Without statutory authorization from the Legislature, the recovery of FPL's costs and capital investment in the Woodford Project through the fuel clause is overreach.²⁷

²² United States Department of Energy, *Renewable Fuel Standard*, available at [https://afdc.energy.gov/laws/RFS#:~:text=The%20Renewable%20Fuel%20Standard%20\(RFS,Act%20of%202007%20\(EIS%20Act\),last%20visited%20Jan%2011%202024](https://afdc.energy.gov/laws/RFS#:~:text=The%20Renewable%20Fuel%20Standard%20(RFS,Act%20of%202007%20(EIS%20Act),last%20visited%20Jan%2011%202024)) (last visited Jan. 11, 2024).

²³ Environmental Protection Agency, *Renewable Fuel Standard Program*, available at <https://www.epa.gov/renewable-fuel-standard-program> (last visited Jan. 11, 2024).

²⁴ United States Department of Energy, *supra* note 21.

²⁵ *Id.*

²⁶ *Citizens of State v. Graham*, 191 So. 3d 897, 901-2 (Fla. 2016).

²⁷ *Id.* at 902.

Thus, while the Supreme Court determined that the PSC could not approve cost recovery for capital electric utility investments in natural gas production, it indicated that the Legislature has the authority to allow for such if it chose to do so.²⁸

Florida Department of Environmental Protection

The Florida Department of Environmental Protection (DEP) is a state agency created by s. 20.255, F.S., and is the state's lead agency for environmental management and stewardship.²⁹ The department has nine statutorily created divisions:

- Division of Administrative Services;
- Division of Air Resource Management;
- Division of Water Resource Management;
- Division of Environmental Assessment and Restoration;
- Division of Waste Management;
- Division of Recreation and Parks;
- Division of State Lands;
- Division of Water Restoration Assistance; and
- Division of Law Enforcement.³⁰

As part of its responsibilities regarding water resources, the DEP protects and monitors water quality, sets restoration goals for surface waters, and oversees restoration activities. As part of these activities, the DEP:

- Implements state laws regarding the protection of drinking water quality, groundwater, rivers, lakes, estuaries and wetlands; reclamation of mined lands; and state beach and dune preservation;
- Assists local governments and other entities by providing funding for drinking water, stormwater, and wastewater projects; and
- Oversees the state water management districts as they implement water supply and water quality protection programs.³¹

Water Quality and Nutrients

Nutrient pollution and the excessive accumulation of nitrogen and phosphorus in water is one of the most widespread, costly, and challenging environmental problems.³² In Florida, 35 percent of waterbodies are impaired for nutrients, and 87 percent of counties have nutrient-impaired waters within their boundaries.³³

28

²⁹ Florida Department of Environmental Protection, *Homepage*, <https://floridadep.gov/> (last visited Jan. 11, 2024).

³⁰ Section 20.255(3)(a), F.S.

³¹ Florida Department of Environmental Protection, *Water Topics*, <https://floridadep.gov/water-topics> (last visited Jan. 11, 2024).

³² U.S. Environmental Protection Agency, *Basic Information on Nutrient Pollution*, <https://www.epa.gov/nutrientpollution/problem> (last visited Jan. 11, 2024).

³³ Florida Department of Environmental Protection, *Rulemaking Update: Stormwater / Chapter 62-330, F.A.C., Environmental Resource Permitting*, 2 (2023), (on file with the Senate Committee on Environment and Natural Resources).

The nutrients nitrogen and phosphorus are a natural part of aquatic ecosystems.³⁴ They support the growth of algae and aquatic plants, which provide food and habitat for fish, shellfish, and smaller organisms that live in water. However, the presence of too much nitrogen and phosphorus can cause algae to grow faster than ecosystems can handle. These algal blooms can harm water quality, food resources, and habitats, and decrease the oxygen that fish and other aquatic life need to survive. Algal blooms can also be harmful to humans because they produce elevated toxins and bacterial growth that can make people sick if they come into contact with polluted water, consume tainted fish or shellfish, or drink contaminated water.³⁵ Nutrient pollution in ground water—used by millions of people in the United States as their drinking water source—can be harmful even at low levels.³⁶ Infants are especially vulnerable to a nitrogen-based compound called nitrates in drinking water.³⁷

One of the primary sources of excess nitrogen and phosphorus is stormwater runoff.³⁸ This runoff typically traverses impervious surfaces, such as concrete and asphalt, flowing directly into waterbodies or storm drains without the benefit of natural filtration through soil and vegetation or processing by a water treatment facility.³⁹ Human activities frequently exacerbate the problem by introducing nitrogen and phosphorus pollutants derived from fertilizers, yard and pet waste, and certain soaps and detergents.⁴⁰

Impaired Waters

Under section 303(d) of the federal Clean Water Act, states must establish water quality standards for waters within their borders and develop a list of impaired waters that do not meet the established water quality standards.⁴¹ States must also develop a list of threatened waters that may not meet water quality standards in the following reporting cycle.⁴²

Due to limited funds and the wide variety of surface waters in Florida, the DEP sorted those waters into 29 major watersheds, or basins, and further organized them into five basin groups for assessment purposes.⁴³ If the DEP determines any waters are impaired, the waterbody must be

³⁴ U.S. Environmental Protection Agency, *Nutrient Pollution: The Problem*, *supra* note 32.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ U.S. Environmental Protection Agency, *Nutrient Pollution: Sources and Solutions*, <https://www.epa.gov/nutrientpollution/sources-and-solutions> (last visited Jan. 11, 2024). Other sources of excess nitrogen and phosphorus include agriculture, wastewater, fossil fuels, and fertilizers.

³⁹ U.S. Environmental Protection Agency, *Nutrient Pollution: Sources and Solutions: Stormwater*, <https://www.epa.gov/nutrientpollution/sources-and-solutions-stormwater> (last visited Jan. 11, 2024).

⁴⁰ *Id.*

⁴¹ U.S. Environmental Protection Agency, *Overview of Identifying and Restoring Impaired Waters under Section 303(d) of the CWA*, <https://www.epa.gov/tmdl/overview-identifying-and-restoring-impaired-waters-under-section-303d-cwa> (last visited Jan. 11, 2024); 40 C.F.R. 130.7. Following the development of the list of impaired waters, states must develop a total maximum daily load for every pollutant/waterbody combination on the list. A total maximum daily load is a scientific determination of the maximum amount of a given pollutant that can be absorbed by a waterbody and still meet water quality standards. Florida Department of Environmental Protection, *Watershed Evaluation and Total Maximum Daily Loads (TMDL) Section*, <https://floridadep.gov/dear/water-quality-evaluation-tmdl/content/total-maximum-daily-loads-tmdl-program> (last visited Jan. 11, 2024).

⁴² *Id.*

⁴³ Florida Department of Environmental Protection, *Assessment Lists*, <https://floridadep.gov/dear/watershed-assessment-section/content/assessment-lists> (last visited Jan. 11, 2024).

placed on the verified list of impaired waters and a total maximum daily load (TMDL) must be calculated.⁴⁴ A TMDL is a calculation of the maximum amount of a pollutant that a waterbody can receive and still meet water quality standards.⁴⁵ A waterbody may be removed from the verified list at any time during the TMDL process if it attains water quality standards.⁴⁶ If the DEP determines that a waterbody is impaired but further study is needed to determine the causative pollutants or other factors contributing to impairment before the waterbody is placed on the verified list, the waterbody will be placed on a statewide comprehensive study list.⁴⁷

Basin Management Action Plans

Basin management action plans (BMAPs) are one of the primary mechanisms the DEP uses to achieve TMDLs. BMAPs are plans that address the entire pollution load, including point and nonpoint discharges,⁴⁸ for a watershed. There are currently 34 adopted BMAPs in Florida.⁴⁹

Producers of nonpoint source pollution included in a BMAP must comply with the established pollutant reductions by implementing appropriate best management practices (BMPs) or conducting water quality monitoring.⁵⁰ A nonpoint source discharger may be subject to enforcement action by the DEP or a water management district for failure to implement these requirements.⁵¹

The DEP may establish a BMAP as part of the development and implementation of a TMDL for a specific waterbody. First, the BMAP equitably allocates pollutant reductions to individual basins, to all basins as a whole, or to each identified point source or category of nonpoint sources.⁵² Then, the BMAP establishes the schedule for implementing projects and activities to meet the pollution reduction allocations.⁵³

BMAPs must include five-year milestones for implementation and water quality improvement and an associated water quality monitoring component to evaluate the progress of pollutant load reductions.⁵⁴ Every five years an assessment of progress toward these milestones must be conducted and revisions to the plan made as appropriate.⁵⁵

⁴⁴ *Id.*; Florida Department of Environmental Protection, *Verified List Waterbody Ids (WBIDs)*, <https://geodata.dep.state.fl.us/datasets/FDEP::verified-list-waterbody-ids-wbids/about> (last visited Jan. 11, 2024); s. 403.067(4), F.S.

⁴⁵ Section 403.067(6)(a), F.S. *See also* 33 U.S.C. § 1251, s. 303(d) (the Clean Water Act).

⁴⁶ Section 403.067(5), F.S.

⁴⁷ Section 403.067(2), F.S.; Fla. Admin. Code R. 62-303.150.

⁴⁸ “Point source” is defined as 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 of pollution are sources of pollution that are not point sources. Fla. Admin. Code R. 62-620.200(37).

⁴⁹ Florida Department of Environmental Protection, *Basin Management Action Plans (BMAPs)*, <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited Jan. 11, 2024).

⁵⁰ 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.

⁵¹ Section 403.067(7)(b)2.h., F.S.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Section 403.067(7)(a)6., F.S.

⁵⁵ *Id.*

Each BMAP must also include:

- The management strategies available through existing water quality protection programs to achieve TMDLs;
- A description of BMPs adopted by rule;
- For the applicable five-year implementation milestones, a list of projects that will achieve the pollutant load reductions needed to meet a TMDL or other established load allocations, including a planning-level cost estimate and an estimated date of completion;
- A list of regional nutrient reduction projects submitted by the Department of Agriculture and Consumer Services which will achieve pollutant load reductions established for agricultural nonpoint sources;⁵⁶
- The source and amount of financial assistance to be made available; and
- A planning-level estimate of each project's expected load reduction, if applicable.⁵⁷

Outstanding Florida Springs

In 2016, the Florida Legislature enacted the Florida Springs and Aquifer Protection Act (the act) and identified 30 Outstanding Florida Springs (OFSs) that require additional protections to ensure their conservation and restoration for future generations.⁵⁸ These springs are a unique part of the state's scenic beauty, provide critical habitat, and have immeasurable natural, recreational, and economic value.⁵⁹ The act requires the DEP to assess the water quality in the OFSs. Based on these assessments, the DEP determined 24 of these springs are impaired.⁶⁰ For these impaired springs, the DEP must adopt (or re-adopt) a BMAP to implement all the protections of the act, including:

- Prioritized lists of restoration projects along with planning level estimates for cost, schedule, and nutrient load reduction;
- Phased milestones (five-year, 10-year, and 15-year) to achieve water quality restoration targets in 20 years;
- Estimated nutrient pollutant loads, allocated to each source or category of sources;
- Completed remediation plans for onsite sewage treatment and disposal systems (OSTDSs) where septic loading accounts for at least 20 percent of the estimated nutrient input;⁶¹ and
- Prohibited certain activities within the BMAP.⁶²

⁵⁶ This is required only where agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges or the DEP determines that additional measures are necessary to achieve a TMDL. Section 403.067(7)(e)1., F.S.

⁵⁷ Section 403.067(7)(a)4., F.S.

⁵⁸ Florida Department of Environmental Protection, *Springs*, <https://floridadep.gov/springs/> (last visited Jan. 11, 2024). OFSs include all historic first magnitude springs and the following additional springs, including their associated spring runs: De Leon Springs, Peacock Springs, Poe Springs, Rock Springs, Wekiwa Springs, and Gemini Springs. Section 373.802(4), F.S.

⁵⁹ Florida Department of Environmental Protection, *Protect and Restore Springs*, <https://floridadep.gov/springs/protect-restore> (last visited Jan. 11, 2024).

⁶⁰ *Id.*

⁶¹ Although OSTDS remediation plans were first only required for springs, in 2020, the requirement was expanded to BMAPs statewide as part of the Clean Waterways Act. *See* ch. 2016-1, s. 27 and 2020-150, s. 13, Laws of Fla. Notably, OSTDS remediation plans for springs are only required within the priority focus areas, whereas the laws governing BMAPs require OSTDS remediation plans more generally within the entire BMAP.

⁶² Florida Department of Environmental Protection, *Protect and Restore Springs*, *supra* note 59; prohibitions within the "priority focus area" for the spring was broadened in 2023 to include the entire BMAP. Ch. 2023-169, Laws of Fla.

The activities prohibited within a springs BMAP include:

- New domestic wastewater disposal facilities with permitted capacities of 100,000 gallons per day or more, except for those facilities that meet an advanced wastewater treatment standard of no more than 3 mg/l total nitrogen, on an annual permitted basis, or a more stringent treatment standard if necessary to attain a TMDL;
- New OSTDSs on lots of less than one acre, if the addition of the specific systems conflicts with an OSTDS remediation plan incorporated into a BMAP;
- New facilities for the disposal of hazardous waste;
- The land application of Class A or Class B domestic wastewater biosolids not in accordance with a DEP-approved nutrient management plan; and
- New agriculture operations that do not implement BMPs, measures necessary to achieve pollution reduction levels established by the DEP, or groundwater monitoring plans.⁶³

There have been recent legal challenges to the DEP's development of BMAPs for OFSs. In *Sierra Club v. Department of Environmental Protection*, the First District Court of Appeals, held the DEP failed to comply with ss. 373.801(1)(b) and 403.067(6)(b), F.S., in creating the BMAPs because the BMAPs failed to include an identification of each *specific* point source or category of nonpoint sources and an estimated allocation of the pollutant for each point source or category of nonpoint sources.⁶⁴ Instead, the BMAPs included pie charts that only showed current estimated nitrogen loading in the various springsheds by source and allocations to entire basins, not to any point or nonpoint source.⁶⁵

Florida Department of Agriculture and Consumer Services

The Florida Department of Agriculture and Consumer Services (DACCS) is a state agency created by s. 20.14, F.S., and is headed by an elected Commissioner of Agriculture—who is also designated by the Florida Constitution as one of the three members of the Florida cabinet.⁶⁶ The DACCS's responsibilities are wide-ranging, however, in general, they are to:

- Support and promote Florida agriculture;
- Protect the environment;
- Safeguard consumers; and
- Ensure the safety and wholesomeness of food.⁶⁷

Florida Farm-to-Fuel Initiative

Section 570.841, F.S., was created in 2006 to enhance the market for and promote the production and distribution of, renewable energy from Florida-grown crops, agricultural wastes and residues, and other biomass. Additionally, the initiative seeks to enhance the value of agricultural products or expand agribusiness in the state through such production and distribution. The initiative authorizes the DACCS to conduct a statewide comprehensive information and education

⁶³ Section 373.811, F.S.

⁶⁴ *Sierra Club v. DEP*, 357 So. 3d 737, (Fla. 1st DCA 2023).

⁶⁵ *Id.* at *5.

⁶⁶ FLA. CONST. art. IV, s. 4.

⁶⁷ Florida Department of Agriculture and Consumer Services, *About Us*, <https://www.fdacs.gov/About-Us> (last visited Jan. 11, 2023).

program aimed at educating the general public about the benefits of renewable energy and the use of alternative fuels.

Biogas in Florida

According to the American Biogas Council, Florida has 70 operational biogas systems:

- 40 wastewater systems;
- 21 landfills;
- Five food waste; and
- Four manure processing locations.⁶⁸

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 366.91, F.S., regarding renewable energy policy in Florida.

Specifically, the bill allows public utilities to recover, through an appropriate cost-recovery mechanism administered by the Public Service Commission (PSC), incurred costs for renewable natural gas (RNG) fuel projects located in Florida. Such costs must be reasonable and facilitate the goals of s. 366.091(1), F.S. Under the bill, RNG may include mixtures of natural gas and RNG. Eligible projects include, but are not limited to:

- Capital investment in projects necessary to prepare, clean, or otherwise produce RNG for pipeline distribution and usage;
- Capital investment in facilities, including pipelines that are necessary to inject and deliver RNG throughout this state and RNG storage facilities;
- Operation and maintenance expenses associated with any such RNG infrastructure projects; and
- An appropriate return on investment consistent with that allowed for other utility plants used to provide service to customers.

Once the PSC determines project costs were reasonable and facilitate the goals stated in s. 366.091(1), F.S., the PSC must deem the project and associated costs prudent for purposes of cost recovery and may not further subject the project to disallowance except for fraud, perjury, or intentional withholding of key information by the public utility.

Cost recovery for an RNG project must be approved by the PSC. In making its determination, the PSC must consider whether the projected costs for the project are reasonable and consistent with the provisions of proposed s. 366.091(10), F.S. Such recovery may not begin until the project is placed into service; however, upon approval by the PSC, costs incurred before the facility is placed into service may be deferred on the public utility's books for recovery once the facility is in service. This prohibition does not preclude the application of any other regulatory accounting rules that are otherwise deemed appropriate (such as normal recovery costs for construction work in progress).

Section 2 amends s. 373.807, F.S., to require the Department of Environmental Protection (DEP), in adopting basin management action plans (BMAPs) for Outstanding Florida Springs

⁶⁸ American Biogas Council at <https://americanbiogascouncil.org/resources/state-profiles/florida/> (last visited Jan. 11, 2024).

(OFSs), to include identification of water quality improvement projects that can also produce and capture RNG through the use of anaerobic digestion (or other similar treatment technologies) at wastewater treatment plants, livestock farms, food production facilities, and organic waste management operations.

Section 3 amends s. 403.067, F.S., regarding the implementation of total maximum daily loads (TMDLs) for an impaired waterbody as part of a BMAP. Under current law, if the DEP identifies domestic wastewater treatment facilities or onsite sewage treatment and disposal systems as the contributors of at least 20 percent of point source or nonpoint source nutrient pollution, or if the DEP determines remediation is necessary to achieve the TMDL, a BMAP for a nutrient total maximum daily load must include a wastewater treatment plan developed by each local government which addresses domestic wastewater. This plan must be done in cooperation with the DEP, the water management district for that area, and the public and private domestic wastewater treatment facilities within the jurisdiction of the local government. The bill revises requirements for such plans to include any renewable energy opportunities stemming from the production and capture of RNG.

Section 4 amends s. 403.7055, F.S., to add municipalities to the entities encouraged, with the support of the DEP, to develop regional solutions to the processing, capture and reuse or sale of methane gas from landfills and wastewater treatment facilities. The bill expands such development by counties and municipalities to include RNG, as defined in s. 366.91(2), F.S. The bill also makes technical changes to implement these revisions.

Section 5 amends s. 570.841, F.S., to revise the farm-to-fuel initiative program to provide the initiative may address the production and capture of RNG through the use of digesters and other treatment technologies at livestock farms, food production facilities, and other operations that address agricultural waste management. The bill also expands the Department of Agriculture and Consumer Affairs' (DACS) informational and educational program regarding the farm-to-fuel initiative program to allow it to include agricultural producers and the production of alternative fuels.

Sections 6 and 7 reenact ss. 403.0671 and 403.0673, F.S., relating to basin management action plan wastewater reports and the water quality improvement grant program, respectively, to incorporate changes made by the bill.

Section 8 provides an effective date of July 1, 2024.

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:

Public utilities will likely expand their use and sale of renewable natural gas (RNG) the costs of which will be authorized to be passed through to the utilities' customers.

C. Government Sector Impact:

The bill does not impact state expenditures or revenues. While the bill expands the responsibilities of the Department of Environmental Protection (DEP), the Department of Agriculture and Consumer Affairs (DACCS), and the Public Service Commission (PSC), any increased workload can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In its analysis of the bill, the Public Service Commission (PSC) raised several concerns.

With regard to the cost recovery clause mechanisms, the bill does not grant authority to the PSC to establish rules to administer the cost recovery mechanism contemplated by the bill.⁶⁹ Currently, costs for fuel infrastructure used in the generation of electricity or in the distribution of natural gas are recovered in base rates. An alternative option for cost-recovery would be through a new or existing clause. Cost recovery clauses for gas utilities include the Purchased Gas Adjustment (PGA) and the Natural Gas Conservation Cost Recovery Clause (NGCCR). The PGA is intended to compensate for day-to-day fluctuations in the cost of gas; however, it does not account for costs related to infrastructure. The NGCCR is intended for the recovery of costs

⁶⁹ Florida Public Service Commission, *Bill Analysis for SB 480*, Dec. 20, 2023 (on file with the Senate Regulated Industries Committee).

associated with conservation programs for natural gas local distribution companies. As such, these two existing clauses may not be compatible with the type of capital cost recovery addressed in the bill. Therefore, the PSC may need to establish a new cost recovery clause or other surcharge mechanism to implement the bill,⁷⁰ which would necessitate the need for the rulemaking process.

Under the cost recovery clause for infrastructure projects, renewable natural gas (RNG) may include a mixture of natural gas and RNG. However, the bill does not provide a ratio of RNG to regular natural gas in the fuel mixture in order to determine whether an infrastructure project is eligible for cost recovery. The PSC has indicated clarification may be needed to address whether or not any injection of RNG, no matter how small, would make an infrastructure project eligible for cost recovery under the bill.

Under **Section 1** of the bill, if the PSC determines, through a cost-recovery mechanism, a projected cost is reasonable and meets the objectives of s. 366.091(1), F.S., the PSC is required to determine the project and associated costs prudent. This is a departure from the PSC practice when assessing the prudence⁷¹ of incurred costs. The PSC's analysis states this requirement appears to remove the PSC's "ability to ensure that the costs were prudently incurred by the utility when actually working on the project that was initially considered eligible for cost recovery."⁷² In addition, the PSC states the bill "would not allow substantially affected parties due process, as has been traditionally afforded, in the rate setting process for actual utility costs in a cost recovery clause mechanism."⁷³

Finally, facilities for the production of renewable natural gas are included in the types of costs eligible under the proposed cost recovery mechanism. The Supreme Court of Florida (Supreme Court) has previously decided⁷⁴ the production of natural gas was not part of the generation, transmission, or distribution of electricity, for which an investor-owned utility is allowed cost recovery.⁷⁵ The bill appears to depart from the Supreme Court's decision by allowing an investor-owned electric utility to recover costs related to the production of renewable natural gas.⁷⁶

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 366.91, 373.807, 403.067, 403.7055, and 570.841.

The bill reenacts the following sections of the Florida Statutes: 403.0671(1)(a) and (3) and 403.0673(2)(e) and (f).

⁷⁰ *Id.*

⁷¹ *Id.* at 5. "Prudence is generally defined as whether a reasonable utility manager would make a similar decision, given the information that was known or should have been known at the time."

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.* at 5. See *supra* note 27, referencing *Citizens of State v. Graham*.

⁷⁵ *Id.*

⁷⁶ *Id.*

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator DiCeglie

18-00388A-24

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1 A bill to be entitled
 2 An act relating to renewable natural gas; amending s.
 3 366.91, F.S.; authorizing a public utility to recover
 4 prudently incurred renewable natural gas
 5 infrastructure project costs through an appropriate
 6 Florida Public Service Commission cost-recovery
 7 mechanism; providing that such costs are not subject
 8 to further actions except under certain circumstances;
 9 specifying eligible renewable natural gas
 10 infrastructure projects; requiring that cost recovery
 11 for such projects be approved by the commission;
 12 providing requirements for the approval determination;
 13 prohibiting cost recovery until a facility is placed
 14 in service; providing that certain other regulatory
 15 accounting rules may apply to such cost recovery;
 16 amending s. 373.807, F.S.; revising the required
 17 contents of a basin management action plan for an
 18 Outstanding Florida Spring to include identification
 19 of certain water quality improvement projects;
 20 amending s. 403.067, F.S.; revising the required
 21 contents of a wastewater treatment plan within a basin
 22 management action plan; amending s. 403.7055, F.S.;
 23 encouraging counties and municipalities to develop
 24 regional solutions to certain energy issues; requiring
 25 the Department of Environmental Protection to provide
 26 guidelines and technical assistance to such counties
 27 and municipalities; amending s. 570.841, F.S.;
 28 authorizing the farm-to-fuel initiative to address the
 29 production and capture of renewable natural gas;

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30 revising the purposes of the department's statewide
 31 comprehensive information and education program;
 32 reenacting ss. 403.0671(1) (a) and (3) and
 33 403.0673(2) (e) and (f), F.S., relating to basin
 34 management action plan wastewater reports and the
 35 water quality improvement grant program, to
 36 incorporate the amendment made to s. 403.067, F.S., in
 37 references thereto; providing an effective date.

38
 39 Be It Enacted by the Legislature of the State of Florida:

40
 41 Section 1. Subsection (10) is added to section 366.91,
 42 Florida Statutes, to read:

43 366.91 Renewable energy.—

44 (10) A public utility may recover, through an appropriate
 45 cost-recovery mechanism administered by the commission,
 46 prudently incurred costs for renewable natural gas
 47 infrastructure projects. If the commission determines that such
 48 costs were reasonable and that the project will facilitate
 49 achieving the goals of subsection (1), the commission must deem
 50 the project and associated costs prudent for purposes of cost
 51 recovery and may not further subject the project to disallowance
 52 except for fraud, perjury, or intentional withholding of key
 53 information by the public utility. For purposes of utility cost
 54 recovery under this subsection only, the term "renewable natural
 55 gas" may include a mixture of natural gas and renewable natural
 56 gas. Eligible renewable natural gas projects must be located
 57 within this state. Types of costs eligible for cost recovery
 58 include, but are not limited to, capital investment in projects

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59 necessary to prepare, clean, or otherwise produce renewable
 60 natural gas for pipeline distribution and usage; capital
 61 investment in facilities, including pipelines that are necessary
 62 to inject and deliver renewable natural gas and renewable
 63 natural gas storage facilities; operation and maintenance
 64 expenses associated with any such renewable natural gas
 65 infrastructure projects; and an appropriate return on investment
 66 consistent with that allowed for other utility plants that
 67 provide service to customers. Cost recovery for any renewable
 68 natural gas infrastructure project sought pursuant to this
 69 subsection must be approved by the commission.

70 (a) In assessing whether cost recovery for a renewable
 71 natural gas infrastructure project is appropriate, the
 72 commission must consider whether the projected costs for such
 73 renewable natural gas infrastructure project are reasonable and
 74 consistent with this subsection.

75 (b) Recovery of costs incurred by a public utility for a
 76 renewable natural gas project approved for cost recovery under
 77 this subsection may not be allowed until such facility is placed
 78 in service. Upon approval of cost recovery by the commission,
 79 costs incurred before the facility is placed in service may be
 80 deferred on the public utility's books for recovery once the
 81 facility is in service. This does not preclude application of
 82 any other regulatory accounting rules that are otherwise deemed
 83 appropriate, including, but not limited to, normal recovery of
 84 costs for construction work in progress.

85 Section 2. Paragraph (b) of subsection (1) and subsection
 86 (3) of section 373.807, Florida Statutes, are amended to read:
 87 373.807 Protection of water quality in Outstanding Florida

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88 Springs.—By July 1, 2016, the department shall initiate
 89 assessment, pursuant to s. 403.067(3), of Outstanding Florida
 90 Springs or spring systems for which an impairment determination
 91 has not been made under the numeric nutrient standards in effect
 92 for spring vents. Assessments must be completed by July 1, 2018.

- 93 (1)
- 94 (b) A basin management action plan for an Outstanding
 95 Florida Spring ~~must~~ shall be adopted within 2 years after its
 96 initiation and must include, at a minimum:
- 97 1. A list of all specific projects and programs identified
 - 98 to implement a nutrient total maximum daily load;
 - 99 2. A list of all specific projects identified in any
 - 100 incorporated onsite sewage treatment and disposal system
 - 101 remediation plan, if applicable;
 - 102 3. A priority rank for each listed project;
 - 103 4. For each listed project, a planning level cost estimate
 - 104 and the estimated date of completion;
 - 105 5. The source and amount of financial assistance to be made
 - 106 available by the department, a water management district, or
 - 107 other entity for each listed project;
 - 108 6. An estimate of each listed project's nutrient load
 - 109 reduction;
 - 110 7. Identification of each point source or category of
 - 111 nonpoint sources, including, but not limited to, urban turf
 - 112 fertilizer, sports turf fertilizer, agricultural fertilizer,
 - 113 onsite sewage treatment and disposal systems, wastewater
 - 114 treatment facilities, animal wastes, and stormwater facilities.
 - 115 An estimated allocation of the pollutant load must be provided
 - 116 for each point source or category of nonpoint sources; ~~and~~

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117 8. Identification of water quality improvement projects
 118 that can also produce and capture renewable natural gas through
 119 the use of anaerobic digestion or other similar treatment
 120 technologies at wastewater treatment plants, livestock farms,
 121 food production facilities, and organic waste management
 122 operations; and

123 9. An implementation plan designed with a target to achieve
 124 the nutrient total maximum daily load no more than 20 years
 125 after the adoption of a basin management action plan.

126

127 The department shall develop a schedule establishing 5-year, 10-
 128 year, and 15-year targets for achieving the nutrient total
 129 maximum daily load. The schedule shall be used to provide
 130 guidance for planning and funding purposes and is exempt from
 131 chapter 120.

132 (3) As part of a basin management action plan that includes
 133 an Outstanding Florida Spring, the department, relevant local
 134 governments, and relevant local public and private wastewater
 135 utilities shall develop an onsite sewage treatment and disposal
 136 system remediation plan for a spring if the department
 137 determines onsite sewage treatment and disposal systems within a
 138 basin management action plan contribute at least 20 percent of
 139 nonpoint source nitrogen pollution or if the department
 140 determines remediation is necessary to achieve the total maximum
 141 daily load. The plan must identify cost-effective and
 142 financially feasible projects necessary to reduce the nutrient
 143 impacts from onsite sewage treatment and disposal systems and
 144 shall be completed and adopted as part of the basin management
 145 action plan no later than the first 5-year milestone required by

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146 subparagraph (1) (b) 9. ~~subparagraph (1) (b) 8.~~ The department is
 147 the lead agency in coordinating the preparation of and the
 148 adoption of the plan. The department shall:

149 (a) Collect and evaluate credible scientific information on
 150 the effect of nutrients, particularly forms of nitrogen, on
 151 springs and springs systems; and

152 (b) Develop a public education plan to provide area
 153 residents with reliable, understandable information about onsite
 154 sewage treatment and disposal systems and springs.

155

156 In addition to the requirements in s. 403.067, the plan must
 157 include options for repair, upgrade, replacement, drainfield
 158 modification, addition of effective nitrogen reducing features,
 159 connection to a central sewerage system, or other action for an
 160 onsite sewage treatment and disposal system or group of systems
 161 within a basin management action plan that contribute at least
 162 20 percent of nonpoint source nitrogen pollution or if the
 163 department determines remediation is necessary to achieve a
 164 total maximum daily load. For these systems, the department
 165 shall include in the plan a priority ranking for each system or
 166 group of systems that requires remediation and shall award funds
 167 to implement the remediation projects contingent on an
 168 appropriation in the General Appropriations Act, which may
 169 include all or part of the costs necessary for repair, upgrade,
 170 replacement, drainfield modification, addition of effective
 171 nitrogen reducing features, initial connection to a central
 172 sewerage system, or other action. In awarding funds, the
 173 department may consider expected nutrient reduction benefit per
 174 unit cost, size and scope of project, relative local financial

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175 contribution to the project, and the financial impact on
 176 property owners and the community. The department may waive
 177 matching funding requirements for proposed projects within an
 178 area designated as a rural area of opportunity under s.
 179 288.0656.

180 Section 3. Paragraph (a) of subsection (7) of section
 181 403.067, Florida Statutes, is amended to read:

182 403.067 Establishment and implementation of total maximum
 183 daily loads.—

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

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

187 1. In developing and implementing the total maximum daily
 188 load for a waterbody, the department, or the department in
 189 conjunction with a water management district, may develop a
 190 basin management action plan that addresses some or all of the
 191 watersheds and basins tributary to the waterbody. Such plan must
 192 integrate the appropriate management strategies available to the
 193 state through existing water quality protection programs to
 194 achieve the total maximum daily loads and may provide for phased
 195 implementation of these management strategies to promote timely,
 196 cost-effective actions as provided for in s. 403.151. The plan
 197 must establish a schedule implementing the management
 198 strategies, establish a basis for evaluating the plan's
 199 effectiveness, and identify feasible funding strategies for
 200 implementing the plan's management strategies. The management
 201 strategies may include regional treatment systems or other
 202 public works, when appropriate, and voluntary trading of water
 203 quality credits to achieve the needed pollutant load reductions.

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204 2. A basin management action plan must equitably allocate,
 205 pursuant to paragraph (6)(b), pollutant reductions to individual
 206 basins, as a whole to all basins, or to each identified point
 207 source or category of nonpoint sources, as appropriate. For
 208 nonpoint sources for which best management practices have been
 209 adopted, the initial requirement specified by the plan must be
 210 those practices developed pursuant to paragraph (c). When
 211 appropriate, the plan may take into account the benefits of
 212 pollutant load reduction achieved by point or nonpoint sources
 213 that have implemented management strategies to reduce pollutant
 214 loads, including best management practices, before the
 215 development of the basin management action plan. The plan must
 216 also identify the mechanisms that will address potential future
 217 increases in pollutant loading.

218 3. The basin management action planning process is intended
 219 to involve the broadest possible range of interested parties,
 220 with the objective of encouraging the greatest amount of
 221 cooperation and consensus possible. In developing a basin
 222 management action plan, the department shall assure that key
 223 stakeholders, including, but not limited to, applicable local
 224 governments, water management districts, the Department of
 225 Agriculture and Consumer Services, other appropriate state
 226 agencies, local soil and water conservation districts,
 227 environmental groups, regulated interests, and affected
 228 pollution sources, are invited to participate in the process.
 229 The department shall hold at least one public meeting in the
 230 vicinity of the watershed or basin to discuss and receive
 231 comments during the planning process and shall otherwise
 232 encourage public participation to the greatest practicable

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233 extent. Notice of the public meeting must be published in a
 234 newspaper of general circulation in each county in which the
 235 watershed or basin lies at least 5 days, but not more than 15
 236 days, before the public meeting. A basin management action plan
 237 does not supplant or otherwise alter any assessment made under
 238 subsection (3) or subsection (4) or any calculation or initial
 239 allocation.

240 4. Each new or revised basin management action plan must
 241 include all of the following:

242 a. The appropriate management strategies available through
 243 existing water quality protection programs to achieve total
 244 maximum daily loads, which may provide for phased implementation
 245 to promote timely, cost-effective actions as provided for in s.
 246 403.151.

247 b. A description of best management practices adopted by
 248 rule.

249 c. For the applicable 5-year implementation milestone, a
 250 list of projects that will achieve the pollutant load reductions
 251 needed to meet the total maximum daily load or the load
 252 allocations established pursuant to subsection (6). Each project
 253 must include a planning-level cost estimate and an estimated
 254 date of completion.

255 d. A list of projects developed pursuant to paragraph (e),
 256 if applicable.

257 e. The source and amount of financial assistance to be made
 258 available by the department, a water management district, or
 259 other entity for each listed project, if applicable.

260 f. A planning-level estimate of each listed project's
 261 expected load reduction, if applicable.

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262 5. The department shall adopt all or any part of a basin
 263 management action plan and any amendment to such plan by
 264 secretarial order pursuant to chapter 120 to implement this
 265 section.

266 6. The basin management action plan must include 5-year
 267 milestones for implementation and water quality improvement, and
 268 an associated water quality monitoring component sufficient to
 269 evaluate whether reasonable progress in pollutant load
 270 reductions is being achieved over time. An assessment of
 271 progress toward these milestones must ~~shall~~ be conducted every 5
 272 years, and revisions to the plan must ~~shall~~ be made as
 273 appropriate. Any entity with a specific pollutant load reduction
 274 requirement established in a basin management action plan shall
 275 identify the projects or strategies that such entity will
 276 undertake to meet current 5-year pollution reduction milestones,
 277 beginning with the first 5-year milestone for new basin
 278 management action plans, and submit such projects to the
 279 department for inclusion in the appropriate basin management
 280 action plan. Each project identified must include an estimated
 281 amount of nutrient reduction that is reasonably expected to be
 282 achieved based on the best scientific information available.
 283 Revisions to the basin management action plan must ~~shall~~ be made
 284 by the department in cooperation with basin stakeholders.
 285 Revisions to the management strategies required for nonpoint
 286 sources must follow the procedures in subparagraph (c)4. Revised
 287 basin management action plans must be adopted pursuant to
 288 subparagraph 5.

289 7. In accordance with procedures adopted by rule under
 290 paragraph (9)(c), basin management action plans, and other

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291 pollution control programs under local, state, or federal
 292 authority as provided in subsection (4), may allow point or
 293 nonpoint sources that will achieve greater pollutant reductions
 294 than required by an adopted total maximum daily load or
 295 wasteload allocation to generate, register, and trade water
 296 quality credits for the excess reductions to enable other
 297 sources to achieve their allocation; however, the generation of
 298 water quality credits does not remove the obligation of a source
 299 or activity to meet applicable technology requirements or
 300 adopted best management practices. Such plans must allow trading
 301 between NPDES permittees, and trading that may or may not
 302 involve NPDES permittees, where the generation or use of the
 303 credits involve an entity or activity not subject to department
 304 water discharge permits whose owner voluntarily elects to obtain
 305 department authorization for the generation and sale of credits.

306 8. The department's rule relating to the equitable
 307 abatement of pollutants into surface waters does de not apply to
 308 water bodies or waterbody segments for which a basin management
 309 plan that takes into account future new or expanded activities
 310 or discharges has been adopted under this section.

311 9. In order to promote resilient wastewater utilities, if
 312 the department identifies domestic wastewater treatment
 313 facilities or onsite sewage treatment and disposal systems as
 314 contributors of at least 20 percent of point source or nonpoint
 315 source nutrient pollution or if the department determines
 316 remediation is necessary to achieve the total maximum daily
 317 load, a basin management action plan for a nutrient total
 318 maximum daily load must include the following:

319 a. A wastewater treatment plan developed by each local

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320 government, in cooperation with the department, the water
 321 management district, and the public and private domestic
 322 wastewater treatment facilities within the jurisdiction of the
 323 local government, ~~which that~~ addresses domestic wastewater. The
 324 wastewater treatment plan must:

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

328 (II) Include the permitted capacity in average annual
 329 gallons per day for the domestic wastewater treatment facility;
 330 the average nutrient concentration and the estimated average
 331 nutrient load of the domestic wastewater; a projected timeline
 332 of the dates by which the construction of any facility
 333 improvements will begin and be completed and the date by which
 334 operations of the improved facility will begin; the estimated
 335 cost of the improvements; any renewable energy opportunities
 336 stemming from the production and capture of renewable natural
 337 gas; and the identity of responsible parties.

338
 339 The wastewater treatment plan must be adopted as part of the
 340 basin management action plan no later than July 1, 2025. A local
 341 government that does not have a domestic wastewater treatment
 342 facility in its jurisdiction is not required to develop a
 343 wastewater treatment plan unless there is a demonstrated need to
 344 establish a domestic wastewater treatment facility within its
 345 jurisdiction to improve water quality necessary to achieve a
 346 total maximum daily load. A local government is not responsible
 347 for a private domestic wastewater facility's compliance with a
 348 basin management action plan unless such facility is operated

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349 through a public-private partnership to which the local
350 government is a party.

351 b. An onsite sewage treatment and disposal system
352 remediation plan developed by each local government in
353 cooperation with the department, the Department of Health, water
354 management districts, and public and private domestic wastewater
355 treatment facilities.

356 (I) The onsite sewage treatment and disposal system
357 remediation plan must identify cost-effective and financially
358 feasible projects necessary to achieve the nutrient load
359 reductions required for onsite sewage treatment and disposal
360 systems. To identify cost-effective and financially feasible
361 projects for remediation of onsite sewage treatment and disposal
362 systems, the local government shall:

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

365 (B) Identify onsite sewage treatment and disposal systems
366 that would be eliminated through connection to existing or
367 future central domestic wastewater infrastructure in the
368 jurisdiction or domestic wastewater service area of the local
369 government, that would be replaced with or upgraded to enhanced
370 nutrient-reducing onsite sewage treatment and disposal systems,
371 or that would remain on conventional onsite sewage treatment and
372 disposal systems;

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

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

377 (II) The department shall adopt the onsite sewage treatment

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378 and disposal system remediation plan as part of the basin
379 management action plan no later than July 1, 2025, or as
380 required for Outstanding Florida Springs under s. 373.807.

381 10. The installation of new onsite sewage treatment and
382 disposal systems constructed within a basin management action
383 plan area adopted under this section, a reasonable assurance
384 plan, or a pollution reduction plan is prohibited where
385 connection to a publicly owned or investor-owned sewerage system
386 is available as defined in s. 381.0065(2)(a). On lots of 1 acre
387 or less within a basin management action plan adopted under this
388 section, a reasonable assurance plan, or a pollution reduction
389 plan where a publicly owned or investor-owned sewerage system is
390 not available, the installation of enhanced nutrient-reducing
391 onsite sewage treatment and disposal systems or other wastewater
392 treatment systems that achieve at least 65 percent nitrogen
393 reduction is required.

394 11. When identifying wastewater projects in a basin
395 management action plan, the department may not require the
396 higher cost option if it achieves the same nutrient load
397 reduction as a lower cost option. A regulated entity may choose
398 a different cost option if it complies with the pollutant
399 reduction requirements of an adopted total maximum daily load
400 and meets or exceeds the pollution reduction requirement of the
401 original project.

402 12. Annually, local governments subject to a basin
403 management action plan or located within the basin of a
404 waterbody not attaining nutrient or nutrient-related standards
405 must provide to the department an update on the status of
406 construction of sanitary sewers to serve such areas, in a manner

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407 prescribed by the department.

408 Section 4. Section 403.7055, Florida Statutes, is amended
409 to read:

410 403.7055 Methane and renewable natural gas processing and
411 capture.—

412 (1) Each county and municipality is encouraged to develop
413 form multicounty regional solutions to the processing, capture,
414 and reuse or sale of methane gas and renewable natural gas as
415 defined in s. 366.91(2) from landfills and wastewater treatment
416 facilities.

417 (2) The department shall provide planning guidelines and
418 technical assistance to each county and municipality to develop
419 and implement such regional multicounty efforts.

420 Section 5. Section 570.841, Florida Statutes, is amended to
421 read:

422 570.841 Farm-to-fuel initiative.—

423 (1) The department may develop a farm-to-fuel initiative to
424 enhance the market for and promote the production and
425 distribution of renewable energy from Florida-grown crops,
426 agricultural wastes and residues, and other biomass and to
427 enhance the value of agricultural products or expand
428 agribusiness in this the state. The initiative may address the
429 production and capture of renewable natural gas through the use
430 of digesters and other treatment technologies at livestock
431 farms, food production facilities, and other agricultural waste
432 management operations.

433 (2) The department may conduct a statewide comprehensive
434 information and education program aimed at educating the general
435 public and agricultural producers about the benefits of

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436 renewable energy and the use and production of alternative
437 fuels.

438 Section 6. For the purpose of incorporating the amendment
439 made by this act to section 403.067, Florida Statutes, in
440 references thereto, paragraph (a) of subsection (1) and
441 subsection (3) of section 403.0671, Florida Statutes, are
442 reenacted to read:

443 403.0671 Basin management action plan wastewater reports.—

444 (1) By July 1, 2021, the department, in coordination with
445 the county health departments, wastewater treatment facilities,
446 and other governmental entities, shall submit a report to the
447 Governor, the President of the Senate, and the Speaker of the
448 House of Representatives evaluating the costs of wastewater
449 projects identified in the basin management action plans
450 developed pursuant to ss. 373.807 and 403.067(7) and the onsite
451 sewage treatment and disposal system remediation plans and other
452 restoration plans developed to meet the total maximum daily
453 loads required under s. 403.067. The report must include:

454 (a) Projects to:

455 1. Replace onsite sewage treatment and disposal systems
456 with enhanced nutrient-reducing onsite sewage treatment and
457 disposal systems.

458 2. Install or retrofit onsite sewage treatment and disposal
459 systems with enhanced nutrient-reducing technologies.

460 3. Construct, upgrade, or expand domestic wastewater
461 treatment facilities to meet the wastewater treatment plan
462 required under s. 403.067(7)(a)9.

463 4. Connect onsite sewage treatment and disposal systems to
464 domestic wastewater treatment facilities;

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465 (3) Beginning January 1, 2022, and each January 1
466 thereafter, the department shall submit to the Office of
467 Economic and Demographic Research the cost estimates for
468 projects required in s. 403.067(7)(a)9. The office shall include
469 the project cost estimates in its annual assessment conducted
470 pursuant to s. 403.928.

471 Section 7. For the purpose of incorporating the amendment
472 made by this act to section 403.067, Florida Statutes, in
473 references thereto, paragraphs (e) and (f) of subsection (2) of
474 section 403.0673, Florida Statutes, are reenacted to read:

475 403.0673 Water quality improvement grant program.—A grant
476 program is established within the Department of Environmental
477 Protection to address wastewater, stormwater, and agricultural
478 sources of nutrient loading to surface water or groundwater.

479 (2) The department may provide grants for all of the
480 following types of projects that reduce the amount of nutrients
481 entering those waterbodies identified in subsection (1):

482 (e) Projects identified pursuant to s. 403.067(7)(a) or
483 (e).

484 (f) Projects identified in a wastewater treatment plan or
485 an onsite sewage treatment and disposal system remediation plan
486 developed pursuant to s. 403.067(7)(a)9.a. and b.

487 Section 8. This act shall take effect July 1, 2024.

1-17-24

The Florida Senate APPEARANCE RECORD

480

Meeting Date

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name

Dale Calhoun

Phone

850 681 0496

Address

PO Box 11076

Email

dale@floridagas.org

Street

Tallahassee FL

32302

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 Natural Gas 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 of the Florida Senate](#).

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 480

1/17/23

Meeting Date

Appropriations Committee on 

Committee

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Amendment Barcode (if applicable)

Name **Kevin Doyle**

Phone **904-806-1714**

Address **PO Box 24897**

Email **kdoyle@consumerenergyalliance.org**

Street

Jacksonville

FL

32241

City

State

Zip

Reset Form

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:

Consumer Energy Alliance

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

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Meeting Date

480

Bill Number or Topic

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Approps Hwy & Gen Govt

Committee

Amendment Barcode (if applicable)

352538 41299

Name

Alan Basford

Phone

Address

516 N Adams

Email

abasford@a-fl.com

Street

Tallahassee

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:

AIF

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, cf. flsenate.gov](https://www.flsenate.gov/legistics/2020/2022-joint-rules)

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1-17-24 1:30 110sob

Meeting Date

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AEG

Committee

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **816 W THARPE ST**

Email **CULLENASEA@GMAIL.COM**

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:

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](#))

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1/17/24

Meeting Date

SB 480

Bill Number or Topic

Approps on Hwy

Committee

Amendment Barcode (if applicable)

Name

Andrew Walmsley

Phone

202-430-0185

Address

360 W College Ave

Email

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:

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

Florida Farm Bureau Federation

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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1-17-23

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Committee

Amendment Barcode (if applicable)

Name

Philip Watts

Phone

352-988-3197

Address

1479 SE Wingo Pine St

Email

pwatts@fullcircledairy.com

Street

Lec

City

FL

State

32059

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:

manager at Full Circle Dairy

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](https://www.flsenate.gov/2020-2022/JointRules) [df.flsenate.gov](https://www.flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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11/7/2024

480

Meeting Date
Approps. Committee on
Agriculture, Environment, Gen Govt.
Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name Erin Ballas Phone 850 720 6387

Address 130 East Park Ave. Email erinballas@paconsultants.com
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:
Brightmark

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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January 17, 2024

Meeting Date

Approps Comm on Ag, Enviro & Gen Gov

Committee

Name Tiffany Garling - Florida Chamber of Commerce

Phone 850-661-3339

Address 136 S. Bronough Street

Email tgarling@flchamber.com

Street

Tallahassee

FL

32301

City

State

Zip

The Florida Senate

APPEARANCE RECORD

SB 480

Bill Number or Topic

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Amendment Barcode (if applicable)

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 Chamber of Commerce

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. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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S-001 (08/10/2021)

The Florida Senate

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Approps on Ag, Environ

Committee

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

850-321-9386

Address

579 E. Call St.

Email

kcfep@yahoo.com

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:

FL Center for Fiscal + Economic Policy

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. 511.045 and Joint Rule 1. [2020-2022 Joint Rules](https://www.flsenate.gov/legistics/2020/2022-Joint-Rules) [df flsenate.gov](https://www.flsenate.gov)

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Appros on Ag and Gen. Gov

Committee

Amendment Barcode (if applicable)

Name Jim Spratt

Phone 850-228-1296

Address 1195 Monroe St

Email Jim@magalestateis16.com

Street

TLH

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:

United Dairy Farmers 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.

S-001 (08/10/2021)

APPEARANCE RECORD

1/17/2024

480

Meeting Date

Bill Number or Topic

Appropriations Committee on Agriculture, Environment, and General Government

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

Committee

Amendment Barcode (if applicable)

Name **Ron Brisé**

Phone **8505211725**

Address **215 South Monroe Street, Suite 601**

Email **rbrise@gunster.com**

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:

Chesapeake Utilities

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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The Florida Senate

APPEARANCE RECORD

1/17/2024

Meeting Date

SB 480

Bill Number or Topic

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

App. Comm. on Ag, Envir. and Gen. Gov't

Committee

Amendment Barcode (if applicable)

Name Bradley Marshall

Phone 850-681-0031

Address 111 S. Martin Luther King Jr. Blvd.

Email bmarshall@earthjustice.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. On behalf of Earthjustice as employee of Earthjustice

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:

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

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Committee in Agriculture, Environment, and General Government

Judge:

Started: 1/17/2024 1:30:14 PM

Ends: 1/17/2024 2:05:58 PM

Length: 00:35:45

1:30:21 PM Sen. Brodeur (Chair)
1:31:11 PM S 480
1:31:14 PM Sen. Diceglie
1:31:58 PM Bradley Marshall
1:35:05 PM Ron Brisé, Chesapeake Utilities
1:37:05 PM Karen Woodall, Florida Center for Fiscal and Economic Policy (Waives Against)
1:37:11 PM Phillip Watts, Manager of Full Circle Dairy (Waives in Support)
1:37:12 PM Tiffany Garling, Chamber of Commerce (Waives in Support)
1:37:13 PM Erin Ballas, Brightmark (Waives in Support)
1:37:15 PM Andrew Walmsley, Florida Farm Bureau Federation (Waives in Support)
1:37:39 PM David Cullen, Sierra Club Florida
1:39:09 PM Kevin Doyle, Consumer Energy Alliance (Waives in Support)
1:39:14 PM Adam Basford, Associated Industries of Florida (Waives in Support)
1:39:20 PM Dale Calhoun, Florida Natural Association
1:42:09 PM Sen. Burman
1:42:41 PM Sen. Diceglie
1:43:32 PM Sen. Brodeur
1:43:52 PM S 92
1:43:55 PM Sen. Hooper
1:45:50 PM Ellyn Bogdandt, International Yacht Brokers (Waives in Support)
1:45:58 PM Sen. Hooper
1:46:24 PM S 304
1:46:30 PM Sen. Hooper
1:48:21 PM Sen. Burman
1:48:37 PM Sen. Hooper
1:48:58 PM Chante Jones, AARP Florida (Waives in Support)
1:49:06 PM Gloria Pugh, Professional Movers of Florida (Waives in Support)
1:49:26 PM Sen. Hooper
1:49:52 PM Sen. Brodeur
1:50:14 PM S 106
1:50:20 PM Sen. Jones
1:51:46 PM Sen. Brodeur
1:51:54 PM Am. 683252
1:52:03 PM Sen. Jones
1:52:23 PM Sen. Brodeur
1:52:35 PM Sen. Jones
1:52:43 PM Sen. Brodeur
1:52:47 PM Sen. Jones
1:53:04 PM Ethan Merchant, Florida Attractions Association
1:53:11 PM Sen. Jones
1:53:21 PM Adam Basford, Associated Industries of Florida (Waives in Support)
1:53:36 PM Sen. Jones
1:53:42 PM Am. 897838
1:53:45 PM Sen. Jones
1:54:03 PM Robert Stewart, Court Canaveral (Waives in Support)
1:54:14 PM Sen. Jones
1:54:18 PM Am. 668560
1:54:23 PM Sen. Jones
1:54:49 PM Am. 572756
1:54:53 PM Sen. Jones
1:55:18 PM Sen. Brodeur
1:55:26 PM S 106 (cont.)

1:55:38 PM Gene McGee, SeaWorld Parks & Entertainment
1:56:14 PM Sen. Brodeur
1:56:22 PM Ethan Merchant, Florida Attractions Association
1:57:11 PM Sen. Burman
1:57:29 PM E. Merchant
1:57:44 PM Sen. Burman
1:57:57 PM E. Merchant
1:58:06 PM Sen. Burman
1:58:11 PM Tim Nungesser, NFIB
2:00:40 PM Sen. Polsky
2:00:54 PM T. Nungesser
2:01:27 PM Amir Warren, Florida Association of Counties (Waives in Support)
2:01:30 PM Samantha Padgett, FRLA (Waives in Support)
2:01:34 PM Jess McCarty, Executive Assistant County Attorney, Miami-Dade County (Waives in Support)
2:01:50 PM Sen. Jones
2:03:03 PM Sen. Jones
2:03:12 PM S 32
2:03:15 PM Sen. Garcia
2:04:26 PM David Cullen, Sierra Club Florida (Waives in Support)
2:04:34 PM Sen. Garcia
2:05:04 PM Sen. Brodeur