

Greetings,

The Florida Sierra Club Steering Committee, with its Group Advisory Council and SCF committee leaders, met in Dec. 2008 to identify important legislative issues for 2009. They are listed below with brief descriptions, grouped by category.

LAND USE

Mining Preemption	Redevelopment of Blighted Military
Wetland Regulation	Areas
Florida Forever Funding	Implementation of Amendment 4
State purchase of U.S. Sugar lands	

GROWTH MANAGEMENT

Agricultural Enclaves	Sunset Review of DCA
Bert Harris Act	DCA Growth Management Act Reform

COASTAL

Off Shore Drilling for Oil/Natural Gas - outer continental shelf (OCS)	Mangrove Protection
Seagrass Beds protection	Coral Reef Protection

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Early Cost Recovery	Requirement that comp plans address greenhouse gas reduction

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Environmental Trust Funds: i.e. Manatee and Florida Panther

TOXICS

Contaminated Property/Notification

WILDLIFE

Florida Fresh Water Turtle Conservation

RECYCLING

Removal of MSW from the definition of
biomass and from counting towards
Florida's recycling goal
75% State Recycling Goal

LAND USE

Mining Preemption

Florida Sierra Club Position: Oppose legislation that preempts local government's ability to manage growth according to comprehensive plans adopted as required by the Growth Management Act, or that prevents local governments from enacting stricter land use restrictions than the state.

Legislation may be filed this year to make it harder for local governments to deny permits for aggregate mining and possibly phosphate mining. Last year two aggregate mining bills (lime rock used in road building and construction) were defeated in committee. One would have prohibited local restrictions if they were based on anything the DEP regulates in Chapter 373 (matters dealing with water). The other bill would have required a super majority vote to deny a permit, but only a simple majority to approve one. The mining advocates' argument was that road building is essential for infrastructure and that transportation costs associated with hauling rock means the source of material must be within fifty to seventy miles of the road site to be financially feasible.

This year phosphate mining may be added to the mix. Mosaic Inc. has been handed two stinging defeats in its attempt to gain permission to mine phosphate in the Altman Tract in Manatee County. First, in September, the County Commissioners voted 4-3 to deny Mosaic Fertilizer the right to mine phosphate on 2,048 acres which include 480 acres of wetlands. And in October the U.S. Army Corps of Engineers suspended the federal permit for phosphate mining while it reviews its analysis. The suspension was due to a lawsuit filed by Earthjustice on behalf of Sierra Club and others.

Unwilling to accept a legitimate defeat, Mosaic threatened to sue under the Bert Harris Act and the new Board of County Commissioners agreed to reconsider the issue on 12/16/08 and then overturned the decision on Jan. 15, 2009. (Two of the Commissioners who voted against Mosaic were defeated in the last election.) The suspension of the federal permit continues to protect the land for now.

Mosaic also contributed \$286,200.00 to Florida political campaigns in the 2008 elections: \$195,200 to the Republican Party; \$25,000 to the Democratic Party; \$56,250 to PACs and the Florida Phosphate Committee of Continuing Existence; and \$9,750 to individual legislators.

Phosphate mining has been an important Florida industry for 100 years - the results of strip mining can be seen in Polk County. But now, most deposits north of I-4 are depleted. The push is to open Southwest Florida to extraction. Mining interests for both rock and phosphate can be expected to push for laws that set the bar low for them and high for local governments that want to protect their natural resources and quality of life.

Wetland Regulation

Florida Sierra Club Position: Oppose legislation that would reduce the rights of local governments and/or citizens to act to protect their environmental resources.

In recent years there have been several attempts to weaken wetland protections. Two years ago, a major push was made to pre-empt local rules for wetland protection that were more stringent than the state's. And last year there was an attempt to eliminate

local government's ability to protect wetlands on agricultural parcels. This year, the economy provides developers and development-dependent businesses an argument for loosening the rules so the building industry can recover, creating jobs in all the affected industries.

Speaker Ray Sansom said in a December 16 memo that revitalizing Florida's economy is the top priority. He wants his Policy Councils to accomplish "... a systematic examination of Florida's regulatory structure and present substantial changes to streamline the way permitting processes are accomplished in Florida."

Other potential threats to wetland regulation include bills to allow more, and easier mitigation banking; general permits for certain categories of wetland impacts; large-scale blanket permits for wetland impacts in certain geographic areas such as the St. Joe Ecosystem Management Agreement in Bay-Walton Counties ; and expedited ("streamlined") permitting

Rep. Schenck (R - Spring Hill) has filed HB 73 "The Mike McHugh Act" which calls for expediting the permitting of "economic development projects" for industries targeted by municipalities or counties. The bill has been referred to Governmental Affairs Policy Committee; Agriculture & Natural Resources Policy Committee; General Government Policy Council; Policy Council. SB 852 by Sen. Fasano has been filed and has not yet been referred to committee. Last year this bill passed the House 116-0 but died in committee in the Senate.

Florida Forever Funding

Florida Sierra Club Position: Support this important land preservation program

Florida Forever funding is in jeopardy because of factors related to the budget and the passage of Amendment 4.

The Special Session called to address the \$2.3 billion budget shortfall resulted in a compromise between the House and Senate that froze Florida Forever funding. Twenty million dollars was shifted from Florida Forever to provide operating dollars for the Dept. of the Environment. The money was originally appropriated to authorize the sale of \$250 million in new bonds for the purchase and protection of land. Gov. Crist is reportedly considering a veto of this portion of the amended budget for FY 2008-2009.

During the regular 2009 session beginning March 3, the state budget must be set in the General Appropriations Act. Florida Forever bonds have to pay interest and that interest must be appropriated by the legislature. Therefore, new funding for Florida Forever is dependent on the legislature including authorization for new bonding. In such a tight budget climate, this could be a tough fight.

Finally, it is rumored that a few legislators will seek to cut funding in light of the tax advantages being offered to private landowners in exchange for their placing conservation easements on qualifying parcels under the provisions of Amendment 4.

State purchase of U.S. Sugar lands

Florida Sierra Club Position: Support the purchase of 180,000 acres of land in the Everglades.

With the Governor's strong support, the South Florida Water Management District voted 4-3 to approve a lease contract and purchase agreement with U.S. Sugar Corporation for the acquisition of 180,000 acres south of Lake Okeechobee. The contract is for \$1.34 billion and includes a provision that allows U.S. Sugar to lease back the land for fifty dollars an acre. The Water Management District can back out if the debt load would prevent it from carrying out its duties.

There is strong opposition to the deal. Florida Crystals, a U.S. Sugar competitor that contributed \$326,900 in Florida's state legislative 2008 elections, says the deal is a form of corporate welfare. Glades communities like Clewiston rely on U.S. Sugar for jobs and are concerned that their economic outlook will be disastrous with the loss of such a large employer. And legislators have called for an opportunity to examine the agreement. Sen. Bennett has threatened that none of the Water Management District board members who voted for the deal will get through his committee when it is time for reappointment.

The contract price has also been a target. Critics say the 180,000 acres have been assessed at only \$900 million and that the fifty dollar an acre lease price is a quarter of the going rate for comparable farmland. The funding for the deal is from the Water Management District, not the legislature, but the legislature can have a profound impact on the District if it chooses to. The acquisition, endorsed by the Sierra Club and other environmental groups, could be in jeopardy should the Legislature intervene this spring.

Representatives of SFWMD have made presentations to the Senate Environmental Preservation and Conservation Committee and the Joint Everglades Committee, but there will be considerably more scrutiny of this purchase by the legislature.

Redevelopment of Blighted Military Areas

Florida Sierra Club Position: Watch this legislation to be sure it does not become a vehicle for inappropriate growth policies.

Sen. Bullard has filed SB 110 for the 2009 session. The bill expands the definition of the term "blighted area" to include land previously used as a military facility. It would allow localities to establish a community redevelopment trust fund to back bonds used for redevelopment projects in areas that used to be military facilities. Current law defines "blighted area" as having at least one of fourteen conditions that contribute to continuing economic failure.

Implementation of Amendment 4

Florida Sierra Club position: Watch this legislation to be sure it fulfills its original purpose of promoting good environmental policy and that it not be allowed to become a tool of land speculators.

Implementing legislation will need to be adopted for part 2 of Amendment 4 which is vague regarding the conditions under which a landowner could place his or her land aside for conservation purposes for a limited period of time and receive tax benefits. The legislation should include a "recapture" clause requiring the payment of some or all property taxes avoided through a conservation exemption if the property is. It will be important to ensure that property owners don't use Amendment 4 as a shield against property taxes when land prices are low only to cash in when land prices rise.

GROWTH MANAGEMENT

Agricultural Enclaves

Florida Sierra Club position: Oppose legislation that would tilt the playing field in favor of developers in zoning and comprehensive plan actions.

Legislators who support property rights want owners of agricultural enclaves (parcels of agricultural land surrounded by more intense development) to be given special legal advantages when they apply for higher and more intense development on their lands. This would limit the ability of citizens and localities to protect their natural resources through their comprehensive plans.

Bert Harris Act

Florida Sierra Club position: Oppose legislation that would tilt the playing field in favor of developers in zoning and comprehensive plan actions.

Last year's Bert Harris Act bills would have made it even tougher on local governments trying to control development by providing that a moratorium of more than twelve months is not a "temporary impact to real property" and would encourage developers to sue if moratoria are enacted. Similar legislation will probably be filed for 2009.

Sunset Review of DCA

Florida Sierra Club position: Support the reauthorization of the agency responsible for enforcing the Growth Management Act.

The Florida Government Accountability Act (11.901-11.920 F.S.) schedules the Dept. of Community Affairs for sunset review by July 1, 2010. DCA is a target of the development community because it is the state development "policeman" and we can expect attempts to weaken it in the coming year so that it will be exposed to the possibility of not being reauthorized. Last year it was targeted for personnel cuts and there was an attempt to shift the Florida Communities Trust from DCA to DEP. The Florida Senate has just released an interim study (Issue Brief 2009-310) on sunseting DCA that can be viewed at :

http://www.flsenate.gov/data/Publications/2009/Senate/reports/interim_reports/pdf/2009-310ca.pdf

Sen. Bennet has filed SB 730, a shell bill that "expresses the legislative intent to abolish the Department of Community Affairs and provide for the reorganization of its services among other agencies." A shell bill is a "placeholder" bill that consists of an enacting clause and an effective date that allows Senators to meet the requirement to file a bill by the opening of session without filling in the specifics of the bill. The bill can be agendaed at any time with a "strike everything after the enacting clause" amendment which will provide the particulars of the bill. SB 730 has been referred to Community Affairs (Sen. Bennett is chair); Governmental Oversight and Accountability; Transportation and Economic Development Appropriations; and Rules. It does not yet have a House companion.

DCA Growth Management Act Reform

Florida Sierra Club position: Watch

Last year DCA Secretary Tom Pelham proposed to add a "Citizens Planning Bill of Rights" to Florida's Growth management law in response to the Hometown Democracy citizen initiative that appears headed for the 2010 ballot. Pelham hopes the "planning bill of rights" will help persuade voters to reject Hometown Democracy by offering them a more practical way to have a say on growth management. This issue may resurface again in 2009.

COASTAL

Off Shore Drilling for Oil/Natural Gas - Outer Continental Shelf (OCS)

Florida Sierra Club position: Oppose the elimination of moratoria prohibiting off shore drilling.

Recent record high gas prices coupled with the gloomy budget outlook are providing new impetus for drilling in the Gulf of Mexico. Even the Florida Visitor and Convention Bureaus which have traditionally opposed off shore drilling have come out in favor if it is done "beyond the horizon" and with new royalty money coming to the state. During the presidential campaign Gov. Crist changed his position to supporting off shore drilling because of the need for tourists to be able to afford to travel to the state.

Bills filed for the 2009 session: House Memorial 21 by Rep. McKeel and SB 504 by Sen. Oelrich urge Congress to support the expiration and removal of moratoria prohibiting exploration and production of oil and natural gas in federal waters surrounding Florida. The bills further urge that Florida be included in revenue sharing resulting from such exploration and production. (A "Memorial" communicates an opinion of the Florida Legislature to the United States Congress rather than creating law.) Since the moratoria that apply to Florida's coast are federal, State legislation will focus on affecting Washington's attitude towards off shore drilling. Both bills have been referred to the Calendar and will not have to go through committees.

Seagrass Beds protection

Florida Sierra Club position: Support increased seagrass bed protections and oppose seagrass mitigation bank schemes.

Last year legislation was filed that would have increased penalties for harming seagrass beds (usually from prop scarring) in state aquatic preserves. Rep. Will Kendrick (who was term limited at the end of 2008) amended the bill to allow seagrass mitigation banking. Seagrass mitigation banking is unproved and may be completely unworkable. After considerable pressure from the environmental community and the press, Gov. Crist vetoed the bill. It is expected that the Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission will push to have the original bill filed again this year.

An improvement to the bill would be to extend protection to seagrasses in any state sovereign submerged lands. This was attempted last year, but was strongly opposed by

recreational fishing groups and was left out of last year's bill. The challenge will be to pass a "clean" bill that does not set a precedent for seagrass mitigation banking that could allow wholesale seagrass destruction without any guarantee that the "banking" would be effective. Additionally, the loss of seagrass has an immediate negative effect on the water quality in the immediate area that banking does not mitigate. Protection from prop scarring must not come at the expense of increased dredging for marinas.

We will also have to be alert for separate seagrass mitigation banking legislation, either as a stand alone bill, or as happened last year, as an amendment.

Mangrove Protection

Florida Sierra Club position: Support increased protection of mangroves

SB 148 Mangrove Protection has been filed by Sen. Aronberg. The bill extends the scope of the maximum \$5,000 penalty to cover any person violating any provision of the Mangrove Trimming and Preservation Act (403.9321 - 403.9333 F.S.) Currently the penalty only covers those who trim or alter mangroves without a permit.

SB 148 requires the trimming of mangroves to adhere to all the requirements of the Mangrove Trimming and Preservation Act including maximum height and foliage reductions as opposed to only preventing defoliation and removal.

It also provides that the act does not authorize trimming on uninhabited islands or lands that are publicly owned or set aside for conservation or mitigation except under specified circumstances, etc. Currently, this is only referenced in legislative findings (403.9323 (2) F.S.) and in definitions (403.9325 (7) F.S.).

The bill has been referred to Environmental Preservation and Conservation; Community Affairs; and General Government Appropriations. As of this writing there is no House companion.

Coral Reef Protection

Florida Sierra Club position: Support the protection of coral reefs by reducing global warming and other threats.

A new report from a group of the world's leading climate scientists warns that Florida's coral reefs are at risk of ruinous decline due to greenhouse gas emissions. Warmer water triggers "coral bleaching"; higher ocean acidity stunts coral growth; and sea level rise threatens to increase the depth of water over reefs to a point where photosynthesis is diminished. Reefs also face threats from nutrient loading, sedimentation, boat collisions, and storm damage. Bills may surface this session to provide some protection for Florida's vanishing coral reefs.

ENERGY

Energy - Clean Cars/Emissions Standards Program

Florida Sierra Club position: Support the ratification of Florida's adoption of the California motor vehicle emission standards by the Florida legislature.

On December 2, 2008 the Florida Environmental Regulation Commission voted 6-1 to approve Florida's adoption of California's motor vehicle emission standards. The new

standards are more stringent than the national CAFE standards (Corporate Average Fuel Economy) and address greenhouse gas emissions to a greater extent. The new regulation will first have to be ratified by the Florida Legislature.

The adoption of California's Clean Car rules for new motor vehicles sold in Florida is vital to the state's efforts to resolve many energy, environmental, and health issues, and will position Florida as a leader in combating climate change. Gov. Crist strongly supports this effort. The bill will be strongly opposed by auto industry and dealers groups, as well as business, farm and boating interests. Legislative leaders are reported to be opposed to new regulations on the auto industry at this time, so it will be a tough fight to gain legislative ratification of the new standards.

Early Cost Recovery

Florida Sierra Club position: Support legislation that would repeal early cost recovery for nuclear and so-called "clean coal" power plants.

This provision in a recently enacted state law allows utilities to shift the costs of planning, permitting and constructing both nuclear and "clean coal" plants from stockholders to consumers before any actual energy is delivered from those facilities. The policy allows utility companies to require their customers to finance investment in new facilities instead of their stockholders. Opponents of nuclear power and "clean coal" will try to eliminate this "no risk" incentive for new power plants. Consumer groups who oppose significantly higher bills will be natural allies. Eliminating early cost recovery would make it unlikely that any new nuclear plants will be built. However, it is extremely difficult to repeal a recently passed law when the overall philosophy of the legislature has not changed. Notably, some legislators have called for at least temporary suspension of early cost recovery in Florida, due to concerns about impacts on consumers impacted by the present slump in the economy.

Renewable Portfolio Standard (RPS)

Florida Sierra Club position: Support legislative ratification of the Public Service Commission's (PSC) Jan-09 recommended Renewable Portfolio Standard (in furtherance of the Governor's goal: 20% renewables by 2020), with advice to address certain provisions with clarifications/adjustments to further effective long-term environmental protections.

The Public Service Commission was directed to submit a renewable portfolio standard (RPS) recommendation to the legislature by February 1st, 2009. The PSC's staff recommendation was weak and would have pushed back the deadline for the 20% RPS goal to 2041. The Navigant report to the PSC on technical and economic renewable energy potential for Florida indicated that the state could reach 24% renewable energy by 2020. PSC Commissioner Skop proposed letting utilities produce their own alternative energy in addition to purchasing it. Commissioner Skop's plan also would have allowed utilities to count alternative energy produced for sale in other states towards the 20% goal. Including the out-of-state market purportedly would increase the economy of scale for alternative energy, thereby lowering the per-unit cost and helping the state to meet the 2020 target.

During the RPS debate over the past two years, there has been opposition to a meaningful RPS from AARP because of its concern about high energy bills for consumers. The legislature may try to weaken the proposed RPS to something more palatable to utilities, though there has been cautious interest in elements of Commissioner Skop's ideas. There could also be a similar national RPS, though it may well take longer to be implemented. Mr. Skop believes his proposal could be in place by 2010, because it uses the same methods as non-renewable energy marketing and the mechanisms are already in place.

The PSC RPS recommendation to go to the legislature reportedly includes (this is tentative, as the new draft rule in final form has not been posted by PSC):

- Electricity from renewable sources: 7% by 2013; 12% by 2016 and 20% by 2021 (12/31/2020)
- 2% cap on electric rate increases from renewable energy
- 75% of rate cap allocated to Class I (wind & solar); 25% to Class II (other renewable energy sources, principally biomass in Florida)
- Require at least 25% of renewable energy to come from Class I
- Targets to be reviewed at least every 3 years
- Penalty of up to ½ % on allowed return to investor-owned utilities for unexcused non-compliance
- Florida-only market to be established for trading Renewable Energy Credits (REC)
- Avoided cost is to be the baseline for determining REC value
- Consider developing a "Clean Energy Portfolio Standard" that includes nuclear energy, as it is a low-carbon power source.

Adjustments that should be considered including raising the rate cap for biomass (+0.25%), developing details of the standard contract for producers of renewable energy, and expanding state incentive funds to support renewable energy producer investments, particularly for solar PV.

Requirement that Comp Plans Address Green House Gas Reduction

Florida Sierra Club position: Oppose attempts to repeal the energy, energy conversion, and greenhouse gas reductions requirements in comprehensive plans.

On November 14, the Dept. of Community Affairs returned most Comprehensive Plans to Florida's cities with "Objections/Comments" stating they did not address energy, energy conversion and green house gas reductions in their comp plans as required in last year's HB 697 which became law. We might see an effort to repeal this requirement.

WATER

Springs

Florida Sierra Club position: Support legislation strengthening regulatory authority to mitigate nutrient pollution in Florida's 33 first order springsheds.

The Florida Senate Issue Brief: Springs Protection: An Overview Of Recent Activities identifies the two approaches to springs protection that have been tried over the past three legislative sessions: creating a task force, and "implementing actual protection guidelines to be used for governing future impacts to the springs." To date, neither approach has been passed into law.

Sen. Constantine, chairman of the 2009 Senate Environmental Protection and Conservation Committee, has filed SB 274 which would implement actual guidelines by:

- Requiring the DEP to delineate the springsheds of specified springs.
- Requiring the DEP to adopt spring protection zones by secretarial order and to adopt total maximum daily loads and basin management action plans for spring systems.
- Providing effluent requirements for domestic wastewater treatment facilities.

Requiring certain local governments to adopt a springs protection element as one of the required elements of the comprehensive plan, etc.

A House companion has not yet been filed.

Fertilizer

Florida Sierra Club position: Oppose preemption of local control of fertilizer management.

The serious impact fertilizer runoff has on water quality means local governments should be free to tailor their own ordinances to address formulations, application periods, and schedules to suit their soil types, topography and water quality restoration needs. Last year legislation was filed that would have required the adoption of a weak “model ordinance” for consumer fertilizer application and prevented local governments from enacting more stringent rules unless an FDEP “Impaired Water Body” had been designated in their jurisdiction. Local governments would then have had to consult with three separate state agencies to enact a stronger ordinance. This year, Senator Bennett and Representative David Murzin are expected to file preemption bills with language almost identical to last year’s in their respective chambers.

Sen. Constantine has filed SB 982 Urban/Residential Environments & Water/Protection the "Protection of Urban and Residential Environments and Water Act." (PURE Water Act) This is the same name as last year’s preemption bill, but Sen. Constantine’s bill is quite different. It encourages localities to adopt a model ordinance, and requires areas with identified water quality problems to adopt the ordinance at a minimum. It further recognizes the right of localities to enact more stringent regulations . The bill has not yet been referred to committees.

Florida Sierra Club position: Support state-wide ban on phosphorous lawn fertilizer.

The No-P bill is a conservative common sense approach that addresses unnecessary phosphate use in urban turf fertilizers statewide, while allowing its use when necessary. It gives industry ample time for compliance, and allows for the sale and use of existing stocks. Adopting a No-P bill will phase out the phosphorous in urban turf products and reduce harm to our lakes, rivers and marsh habitats. Since phosphorous is abundant in Florida soil, adding it will only be permitted when a soil test indicates it is necessary to start seedlings or sod, or when a tissue test of established plants shows a deficiency.

No-P will relieve local and county governments of much of their burden regarding phosphorus pollution from urban turf fertilizers. The bill has no cost to state or local government and does not impose a mandate on localities. The preventative nature of this bill relative to removing phosphorous pollution will yield significant savings.

Stormwater

Florida Sierra Club position: Support stormwater policy that reduces or eliminates non point source pollution and oppose unwarranted exceptions.

Bills were filed last year that would have prevented local governments from imposing stormwater management fees (or protecting wetlands) on agricultural lands. These preemption bills were a high priority for the agricultural community which is concerned that they will have to pay for stormwater facilities that their properties don't use. The bills started out as straight preemption bills and were fought by the Florida Stormwater Assn., counties and municipalities, as well as environmental interests. The House version passed 116-0 while Senate Bill 1376 passed its committees, but died on second reading. Compromise language that would have satisfied the agricultural community was worked out by the League of Counties, the Florida Stormwater Association, and environmental interests that would have given agriculture landowners credits toward any fees they were assessed. This will probably be the starting point for compromise this year.

Sea Level Rise and Salt Water Intrusion

Florida Sierra Club position: Support policies designed to reduce global warming.

Sea level rise due to climate change is directly tied to salt water intrusion and poses a threat to community water supplies and private wells in addition to contaminants that leach into ground water from the surface. Pensacola and the Miami-Palm Beach areas are highly reliant on community water supplies and are particularly vulnerable to aquifer contamination. As all coastal areas are vulnerable, there should be site-specific monitoring and risk assessment, long term planning for alternate supplies, and hydraulic controls.

Adoption of Water Congress Recommendations

Florida Sierra Club position: Support legislation embodying the principals of the Water Congress recommendations.

The Century Commission's September Water Congress issued recommendations that could be embodied in legislation. These include considering water conservation best practices as an "alternative water supply" eligible for capital facility funding, requiring the adoption of the recommendations in *Landscape Irrigation and Florida Friendly Design Standards*, and setting a per capita goal for water use and best water management practices.

Wekiva Onsite Sewage Treatment and Disposal

Florida Sierra Club position: Support legislation that promotes the reduction of groundwater pollution.

Sen. Constantine has filed SB 118 for the 2009 session which would:

- Create the Wekiva Onsite Sewage Treatment and Disposal System Compliance Grant Program in the Department of Health.
- Authorize low-income property owners in certain areas of the Wekiva basin to apply for grants to rebate costs incurred improving onsite sewage treatment and disposal systems.
- Require continued evaluation of nitrogen levels due to onsite sewage treatment and disposal systems.

SB 118 has been referred to Environmental Preservation and Conservation; Health Regulation; Health and Human Services Appropriations.

Lake Jesup Restoration

Florida Sierra Club position: Support legislation promoting the restoration of aquatic habitats in Lake Jesup.

Sen. Constantine has filed SB 124 for the 2009 session which would:

- Require the DEP, the St. Johns River WMD, the FWCC, and the City of Sanford to develop a plan concerning the progress of the FWCC's project to restore aquatic habitats in Lake Jesup;
- Provide that the acquisition of a site to dispose of muck from the project is a conservation and restoration acquisition under the Florida Forever program. The bill encourages state agencies to help fund the removal of muck from Lake Jesup, etc.

SB 124 has been referred to Environmental Preservation and Conservation; General Government Appropriations.

TRANSPORTATION

Mass transit

Florida Sierra Club position: Support legislation promoting mass transit and alternatives to automobile use.

Mass transportation in Florida is an important goal that needs a significant commitment and funding. Areas to watch during the coming session include:

- Diverting road funding to mass transportation and alternatives to automobiles
- Privatization of toll roads
- Watch for last minute expenditures for airports, roads and other environmental turkeys

CITIZEN PARTICIPATION

Citizen Initiative Petitions/Open Government/Sunshine laws/Reapportionment

Florida Sierra Club position: Oppose legislation that deprives citizens of meaningful opportunities to be involved in shaping their society, including the citizen initiative process. Support full transparency in government.

The legislature will continue to try to limit citizen participation on a number of fronts. Last year's unsuccessful efforts were directed towards making it harder to use paid petition gatherers and eliminating publicly financed campaigns. Rep. Dorworth has refilled his petition gatherer bill from last year. Rep. Hays has also filed bills (HB 81 and HB 83) to eliminate public financing as he did last year. Sen. Haridopolis has filed companion bills to Rep. Hays' (SB 566 and SB 564)

Sen. Justice has filed SB 266 which disallows challenges to a voter's right to vote based on "voter caging" (mailing to registered voters with endorsement to have undeliverable mail returned to a third party other than the supervisor of elections) This practice is used to disenfranchise voters who may move frequently or who give an unusable address, such as the homeless. The bill also provides that challenges to a voter must be based on documents that have either pictures or unique identifying numbers. The companion in the House is HB 531 by Rep. Rogers.

There are numerous other bills ranging from making the position of supervisor of elections non-partisan to bills prohibiting contributions of more than \$500 to "electioneering communication organizations" and a bill to require the state's electors to vote for the winner of the popular vote in presidential elections (an "end run" around the electoral college).

Other hurdles for the initiative process imposed in recent years include adopting a petition signature revocation process, allowing petition circulators to be removed from commercial properties, increasing the vote needed for approval from a simple majority to 60%, and shortening the time frame for gathering the required signatures.

We will also be looking for bills to create standards for supervisors of elections and remain alert for legislation to increase Sunshine law exemptions or eliminate public meeting requirements. Both the House and Senate have established committees to deal with Reapportionment, and while Florida voted blue in the presidential election, there was very little change in the state legislature with a net change of one seat. It is likely that the party in power, and incumbents in general, will attempt to protect themselves in coming elections.

TRUST FUND RAIDS

Environmental Trust Funds

Florida Sierra Club position: Oppose any attempt to transfer these funds to any other purpose.

Florida's budget is divided roughly in half by the origin of its income. General revenue comes mostly from the state sales tax and corporate income tax, and is used primarily to

fund education and health care. Most of the rest of the state's expenditures come from trust funds. Trust funds are created by the legislature to provide a dedicated source of funding for various services - from the portion of the gas tax that goes into a trust fund for road building - to the proceeds of the Save the Manatee Trust Fund and the Florida Panther Research and Management Trust Fund used to protect those species.

When money gets tight, as it is now, trust funds can be "raided". Any money that has not been spent from a trust fund for its intended purpose can be "swept" back into general revenue to meet other state needs. The environmental community will have to remain alert for any raids on important financial resources.

During special session the legislature permanently diverted \$19 million from the Water Management Lands Trust Fund and the Land Acquisition Trust Fund to general revenue. This will be an important area to watch during the budget process in the coming months.

TOXICS

Contaminated Property/Notification

Florida Sierra Club position: Watch this legislation.

Sen. Justice has filed SB 114 for the 2009 session. It would require the Department of Environmental Protection to provide notice to property owners within a 1-mile radius of contaminated property. If a public school is within the 1 - mile radius, the DEP is required to notify the chair of the school board and direct the school board to notify the teachers, parents, and guardians of students attending the school. Sen. Justice's office expects push back to center on the danger of panicking residents needlessly. SB 114 has been referred to Environmental Preservation and Conservation; Education Pre-K - 12; General Government Appropriations.

WILDLIFE

Florida Fresh Water Turtle Conservation

Florida Sierra Club position: Support a ban on the of harvest of fresh water turtles.

Unsustainable commercial harvest of freshwater turtles is a significant conservation threat in Florida. The Florida Fish and Wildlife Conservation Commission (FFWCC) passed a new rule in September allowing five turtles per day per person, with licensed commercial fishermen allowed a total of twenty per day (over 7,000 each year!). Gov. Crist has sent a letter to the FWC urging a ban on commercial harvest of fresh water turtles. The FWC plans to have a final management strategy in place by June.

RECYCLING

Removal of MSW from the definition of Biomass and from counting towards

Florida's recycling goal

Florida Sierra Club position: Support the repeal of defining Municipal Solid Waste as biomass.

Municipal Solid Waste is now defined by the Legislature as renewable biomass. Sierra Club policy does not support using MSW for fuel due to the non renewable content (such as plastics) and contamination by other toxic substances. Also, recycling paper,

cardboard, and other materials saves more energy than can be generated by using it as fuel. There may also be an effort to include “waste to energy” as counting towards the new 75% recycling goal.

75% State Recycling Goal

Florida Sierra Club position: Support the development of a recycling plan that meets the goals of the Energy, Climate and Economic Security Act of 2008 in ways that reduce the greatest amount of greenhouse gases, wasted energy, and wasted materials.

The Energy, Climate Change, and Economic Security Act of 2008 (House Bill 7135) signed into law by Governor Crist created Section 403.7032, Florida Statutes. This establishes a new statewide recycling goal of 75% to be achieved by the year 2020. Florida DEP is directed to develop a program designed to achieve this goal and submit it to the Legislature for approval by January 1, 2010. FDEP will continue to receive public input through the year.