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Battle erupts over U.S. Sugar land-purchase finances

03/18/2009

Miami Herald - Online

PAUL QUINLAN

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Some people call it the "Paul Tudor Jones clause."

Water managers inserted the clause -- nicknamed after the billionaire hedge fund manager and chief financier of Everglades advocacy -- into the South Florida Water Management District's financial policies in October.

The change would allow the agency to reach beyond traditional fixed-rate loans into the largely unregulated world of derivatives and hedge funds to secure financing for Gov. Charlie Crist's proposed \$1.34 billion land deal with U.S. Sugar Corp.

The new policy also could enable Jones to provide financial backing for the deal, district board member Mike Collins testified Tuesday in Palm Beach County Circuit Court.

Opponents say the testimony raised the specter of a titanic conflict of interest: Jones last year helped persuade Crist, whose campaign he had backed financially in 2006, to buy the sugar company's 180,000 acres in a historic bid to save the Everglades.

But Collins, a fierce critic of the land purchase, acknowledged under cross-examination that no evidence exists that Jones intended to profit from or even take part in the sugar deal.

Collins is one of a slew of witnesses whom the deal's opponents called to the stand this week in their legal effort to block the district from issuing the \$2.2 billion in bonds to finance the purchase. The opponents include rival grower Florida Crystals Corp., the Miccosukee Indian tribe and Glades-area leaders.

Thom Rumberger, general counsel for the not-for-profit Everglades Foundation -- of which Jones is one of the chief financial backers -- called the questioning and testimony "specious slander." "Have you ever known him to be a crook, thief, robber, cheat, liar or fraud?" Rumberger asked Collins, an Islamorada fishing guide and past friend of Jones.

"No," Collins replied.

In other testimony Tuesday, Collins was about to answer a question from tribal attorney Dexter Lehtinen asking what the policy change was nicknamed. But Circuit Judge Donald Hafele blocked him from answering after Rumberger objected, saying the nickname could prejudice the case.

Afterward, Lehtinen said Glades farmers first called it the "Paul Tudor Jones clause." Collins said the nickname had been "bouncing around all over the place" since critics of the deal began connecting dots -- evidence or no -- between the new policy and Jones' line of work.

The board approved the policy change and loosened several others last fall in preparation to finance the mammoth land deal. Other changes included raising the district's borrowing limit from 20 to 30 percent of its revenues and its debt limit from \$250 to \$350 per taxpayer.

The changes were intended to give the district as many options as possible to finance the deal, district chief financial officers Paul Dumars said afterward.

The hearing on the financing will continue into a final day today in circuit court, but the case is expected eventually to wind up before the Florida Supreme Court.

Another meeting, but still no site for new landfill

03/18/2009

Sun Sentinel - Online

Andy Reid

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PALM BEACH COUNTY - The face off between environmentalists and business leaders today led to another delay in deciding where to build Palm Beach County's new landfill.

Palm Beach County commissioners voted to wait another six months to see if the state's proposed blockbuster land deal with U. S. Sugar Corp. offers a better alternative to two landfill sites now under consideration.

Environmental groups oppose building a new landfill on a potential site just north of a treatment area cleaning water headed to the Everglades.

Glades business leaders oppose an alternative site farther north that sits besides a stretch of road that leads to their towns. County commissioners are hoping that a six-month delay allows them to find a new landfill home among 180,000 acres the South Florida Water Management District plans to buy from U.S. Sugar for Everglades restoration.

The district plans to sell or trade some of the farmland that doesn't end up getting used to reconnect Lake Okeechobee's

water flows to the Everglades.

Under that scenario, the county's Solid Waste Authority would trade land that was once supposed to be its future landfill site, located beside the northern reaches of the Everglades, for U.S. Sugar land outside the area targeted for restoration.

Commissioners already delayed a landfill decision in January in the hopes of working out an alternative with the district. That option remains on hold until the district determines if it can afford to meet its September deadline to close on the proposed \$1.34 billion deal with U.S. Sugar. As a result, commissioners today agreed to wait another six months.

'This is the final stay,' Commissioner Burt Aaronson said about the latest landfill delay. 'We have to make our decision at the end of six months.'

The current landfill northwest of West Palm Beach is projected to reach capacity by 2021. The continued site selection delays are hurting the authority's plan to get a new landfill opened by 2015, Solid Waste Authority Executive Director Mark Hammond.

One strong hurricane could produce debris that fills up the landfill sooner than expected, Hammond warned.

'2015 sounds like a long way off (but) we are way behind the eight ball,' Hammond said.

Andy Reid can be reached at abreid@SunSentinel.com or 561-228-5504.

\$9 billion estimate for Everglades work has 'no credibility,' supporter of U.S. Sugar deal says

03/18/2009

Palm Beach Post - Online

PAUL QUINLAN

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WEST PALM BEACH Forget \$3 billion, \$4 billion or even \$5 billion.

It could cost the South Florida Water Management District as much as \$9.1 billion to make use of the 180,000 acres of farmland that Gov. Charlie Crist has proposed buying from U.S. Sugar Corp. to save the Everglades, according to a consultant's report commissioned by opponents of the deal.

The cost estimates for design and construction raise questions about whether the Everglades, which scientists say is in near-irreversible decline, would benefit quickly enough from Crist's initiative, critics say.

But one leading champion of the land purchase dismissed the study as propaganda by the opposition, which includes rival sugar grower Florida Crystals Corp.

'Their goal is to undermine this land acquisition,' said Kirk Fordham, CEO of the Everglades Foundation, a nonprofit group that pushed Crist to put together the deal. 'The report has no credibility.'

Still, opponents say the figures suggest that the ecological benefits from the mammoth land deal remain too distant to justify putting existing restoration plans on hold to pay for U.S. Sugar's property. For example, the water district already has suspended construction of a massive reservoir in western Palm Beach County in preparation for closing the land deal. The reservoir, south of South Bay, was originally expected to be complete in September.

If the state halts such projects, 'we'll continue to have irreparable harm done to the Everglades,' said Ron Jones, a biologist and longtime Everglades expert, testifying today in Palm Beach Circuit Court on behalf of opponents seeking to block the deal. 'We should not do it.'

A three-day hearing ended today with no ruling on whether the district can borrow up to \$2.2 billion for the sugar deal. Circuit Judge Donald Hafele said he will issue a decision in the next few weeks.

The \$9.1 billion cost estimate appears in a January report that environmental engineering consultant Galen Miller produced for Florida Crystals. The report represents the most detailed cost estimate made public so far about what Everglades restoration projects involving U.S. Sugar's land could cost from start to finish.

District leaders have previously suggested the cost could run from \$3 billion to \$5 billion, estimates that they admitted were rough.

Miller, of the Kansas City firm Burns & McDonnell, has extensive experience in the design of Everglades projects, including the sprawling network of pollution-filtering marshes the district began building in the 1990s.

The report lists four cost estimates for the design and construction of the Everglades-sustaining filter marshes and reservoirs that would be constructed on U.S. Sugar's land. According to the report, each of two design scenarios includes two bookend estimates: one for a system that would store and move 800,000 acre-feet of water and another for a system capable of moving 1.2 million acre-feet. The smaller system would run between \$5.33 billion and \$5.43 billion. The larger one would cost between \$8.4 billion and \$9.12 billion.

The upper range may be more correct, as water managers have said they hope the final restoration would be capable of moving 1.2 million acre-feet or more of water south from Lake Okeechobee into the Everglades.

An acre-foot - equivalent to a 1-foot-deep pond covering an acre of land - is 325,851 gallons.

Architects of the deal say it's too early to offer firm estimates of the costs because basic variables of the restoration design remain undefined.

Generally, scientists agree that the use of above-ground reservoirs and marshes would cost significantly less to maintain

and operate than the district's previous plan, which envisioned hundreds of high-powered wells intended to inject water deep underground for storage. A controversial proposal for more than 300 such wells was included in the \$10.9 billion state-federal Everglades restoration plan that Congress and then-President Clinton approved in 2000.

Commissioners hold off on landfill site decision

03/18/2009

Palm Beach Post - Online

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Palm Beach County commissioners will wait until the end of September to decide where to build the county's new landfill, saying they want more time to work with South Florida water managers on an alternate site.

The commissioners, meeting as the county's Solid Waste Authority, voted Wednesday to postpone the decision until the South Florida Water Management District finishes its proposed \$1.34 billion purchase of U.S. Sugar Corp.'s 180,000 acres.

Once that purchase is completed, the commissioners said they hope water managers may be able to give land to the county for the landfill. In return, the commission would offer county-owned land just west of the Arthur R. Marshall Loxahatchee National Wildlife Refuge, where the county had earlier decided to place the new landfill.

Two sites west or northwest of 20-Mile Bend are also under consideration for the landfill. One of the sites is opposed by environmentalists, while the other has drawn opposition from nearby residents.

'I would hope that in a six-month period we could find a piece of land that everyone in this chamber could support,' Commissioner Burt Aaronson said during Wednesday's meeting.

Environmental groups have urged the authority to scrap its plans to put a landfill on 1,600 acres next to the refuge, the northernmost remnant of the Everglades. In 2007, county commissioners agreed to pursue alternate locations.

The authority's site-selection committee favored a 1,733-acre site near the intersection of State Road 80 and U.S. 98 by a narrow margin. Its second choice was a 1,500-acre tract on County Road 880 owned by Hundley Farms.

At Wednesday's meeting, the authority's top administrators recommended that commissioners move forward with the purchase of the Hundley tract, saying the site was cheaper and was supported by residents of the western communities.

Owners of the State Road 80 site agreed to extend the time for the county to consider their offer by six months. The site is

avored by environmental groups but opposed Glades residents, who say they don't want a landfill along the road that serves as the gateway to their communities.

But Hundley Farms representatives told commissioners they could hold their offer open for just 30 days.

They said they needed more time to discuss the extension with company officials before agreeing to a six-month delay.

Guest Column, Mike Bennett: US Sugar Deal Too Costly

03/20/2009

Bradenton Herald

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By SEN. MICHAEL S. "MIKE" BENNETT - R-Bradenton

In an environment of reduced spending, the U.S. Sugar deal is being touted by Gov. Charlie Crist as a sweet deal for Florida. Under "normal" circumstances, I would wholeheartedly agree with the governor, although I have been incorrectly quoted as labeling the sugar deal as a bad idea.

I support environmental preservation and protection of our water supply. As a Floridian for over 50 years, I would love to see the Everglades returned to its original habitat and ensure clean water for future generations. But I am also committed to the constituents I am elected to serve and the state interests I am elected to defend. I believe, in the current economic slump, we simply cannot afford this purchase.

A basic principle of sound finance — that most every citizen understands — is, "Don't buy something you can't afford." In an economic downturn, where Florida is struggling to stay afloat and maintain a balanced budget, basic principles are more important than ever. Legislators are saddled with cutting funds for many good and important programs and projects. There is nothing sweet about this difficult process.

Perhaps I could be more supportive if the South Florida Water Management District (SFWMD) would provide important answers to certain questions like: (1) how much of the land they actually need, (2) how will the land be used, and (3) how do they plan to finance the necessary construction following the purchase. But they have not provided these answers. It seems that SFWMD would like the legislature to rubber-stamp the plan while they sign away over a billion dollars in taxpayer money to a project that has more questions than answers.

Merely acquiring the land is not sufficient to benefit the Everglades, and yet SFWMD is moving forward with the mind set of buy now, plan later. The sense of urgency surrounding this deal concerns me. Too many times mistakes are made when projects are green-lighted and do not receive due process. Considering the Florida Department of Environmental Protection's (DEP) role in overseeing this purchase, wouldn't it make sense for them to

perform an appraisal? Yet, they haven't. Why are we buying 180,000 acres when all we need is somewhere less than 100,000 acres? During her appearance before the Senate Committee on Community Affairs, Carole Wehle, SFWMD's Executive Director, said that the thinking of SFWMD is to buy everything they can now, and then sell what they don't need later. However, SFWMD has not provided the names of any potential buyers for those unnecessary acres.

Undoubtedly, this deal would put the Everglades on the fast track to restoration — but where does that leave the state? What about the 16 surrounding counties that will be strapped with a debt — \$3 billion with interest — over the next 30 years?

Then there's the human cost of taking land out of sugar production: The possible loss of 10,711 farm-related jobs, according to a recent study by the University of Florida. As property tax collections decline and the governor purposes even more property tax cuts, how will SFWMD pay the mortgage?

In my opinion, this deal simply does not pass the smell test. I believe we must be prudent during this tough financial period as we work to restore our state's financial strength. The fact that the land is available does not make this purchase a sweet deal. Good times or bad, basic and sound financial principles should always apply.

Luxe Meets the Lake in 'Real' Florida

03/20/2009

New York Times

Charles Passy

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It is the "big water."

That's the term — "Okeechobee," in the tongue of the native Indians — used to describe the 730-square-mile freshwater lake that occupies much of the real estate of South Florida.

It is quiet water, too.

The Lake Okeechobee region is a place of unhurried, outdoorsy pursuits: bass fishing, boar hunting or simply shooting the breeze on a lazy, sunny day.

The major towns that surround Lake Okeechobee — Clewiston, Belle Glade, Pahokee and Okeechobee — don't even bother to compete with the lake. These are dot-on-the-map burghs, seemingly built to emphasize Florida's untamed beauty. There are no shopping malls, no pricey restaurants, not even so much as a movie theater in many towns.

Instead, there are lots of wide open spaces where everything from sweet corn to wild papaya grows, and where the greatest excitement might be the sight of a hungry peregrine falcon plucking a duck from the sky.

"This is what I like to call the real Florida," said Ron Zimmerly, executive director of the tourist development council of Hendry County, one of five counties that claim a piece of Lake Okeechobee.

But this "real Florida" appears to be changing.

For decades, the region has supported its own kind of tourism, welcoming visitors, primarily from the Midwest, at many an unassuming RV park or fish camp. These days, despite the troubled economy and a drought that kept water levels low during much of the last two years, there are signs that Lake Okeechobee is embracing a more luxe life. Entrepreneurs are bringing in amenities more often associated with cities along the Florida coasts, with an eye on drawing more seasonal residents and vacation-home owners.

In Clewiston, the 73-year-old Clewiston Inn has been given a \$1 million makeover, including plasma TVs in each room. In Pahokee, a partnership between the city and a marina developer has resulted in a \$12 million complex, the Lake Okeechobee Outpost, where visitors can spend the night in a well-appointed lakeside cabin or fish off a sturdy concrete pier that stretches several hundred feet into the lake. The project includes plans for a conference center and a casual restaurant that will serve lunch and dinner, no small deal in a town with only about a half-dozen restaurants.

The most remarkable of these projects, however, is the Pine Creek Sporting Club, a 2,800-acre community in Okeechobee built around clay shooting, quail hunting and other outdoor pursuits. It is being developed by the owner of Silver Hilton Steelhead Lodge in northern British Columbia.

Home prices start at \$800,000, an almost unheard-of sum by the standards of the town, which is known primarily for cattle ranching. But it is a relative bargain for some buyers who have looked elsewhere in Florida.

"I couldn't buy a tenth of my house for what this costs me," said Erich Boehm, a retired cable executive, referring to his home in Palm Beach. An avid outdoorsman who also has a home in Chicago, Mr. Boehm is building a cabin at Pine Creek, planning to spend two to three days a week there during the seven months he resides in Florida.

He had kept a boat on Okeechobee and considered buying a ranch in the area, but was discouraged by the fact that such a setup wouldn't offer much in the way of amenities for his less outdoors-minded family members, especially his wife. At Pine Creek, "she's going to have a health club and pool."

Not that the Lake Okeechobee of yesteryear is being lost. Drive up to the South Bay RV Campground, on the southeastern side of the lake, and you'll find an affordable retreat — it costs less than \$30 to hook up an RV for the night.

There's no "scene" there, save for three retired gentlemen making amusingly cantankerous small talk in the recreation center. When asked how their wives take to such a quiet winter getaway, one of them, Bob Ross, a retired General Motors supervisor from Saginaw, Mich., jokingly noted that they were less than pleased.

But Mr. Ross is seriously pleased when the fish are biting. Even when the drought kept many boaters out of the water, he and a fishing buddy, John Nau, a retired trucker from Ohio, stayed busy on the outlying waterways.

And so much for the bass fishing that's touted by world-class anglers like Roland Martin, who has a popular marina in Clewiston now run by his former wife, Mary Ann Martin. Men like Mr. Ross and Mr. Nau would much rather go after catfish, which they can fry up for the RV park's regular Friday night pot-luck dinners.

"So far, we've caught 500 this year," Mr. Nau said.

Of course, there's more to life on Lake Okeechobee than fishing. In recent years, birding groups have become particularly active, so much so that the Clewiston Inn now offers weekend birding packages with the local chapter of the National Audubon Society. (The inn, supposedly haunted by the friendly ghost of a former guest, also offers "ghost hunt" packages and is hosting a national convention of ghost fanatics next year.)

While fishing guides have long been a fixture on the lake, a new group of eco-tour guides is also starting to make its presence known. Mike Challancin, a former biology teacher who now heads Eagle Nest Airboat Tours in Belle Glade, takes groups of up to six at a time on a trip that explores the mysteries of life in the lake's shallows, from a species of bird that does a fair job approximating the call of a monkey to the alligators that spend the day sauntering on the banks.

Mr. Challancin, after leading a Sunday morning tour attended by visitors from fairly near (Jensen Beach, on the Atlantic Coast) and far (New Hampshire), claimed Lake Okeechobee "was one of the last wilderness areas in this country" to be settled, noting that a residential population didn't really establish itself until the first two decades of the 20th century.

And a good number of those early residents — some 2,500 — perished in a 1928 hurricane that caused extensive flooding in the area. That event prompted the construction of a massive earthen dike, as high as 45 feet, to keep the waters at bay. As a result, the lake is largely hidden from the view of many passersby.

This may be the key reason that the lake has also been one of Florida's best-kept secrets. For the millions of visitors who crisscross the state en route to Florida's east or west coasts, Lake Okeechobee is never seen.

Now, the lake communities can no longer afford to let travelers ignore them. Even during the best of harvests, these hardscrabble farming towns have always struggled with poverty: The Edward R. Murrow 1960 documentary "Harvest of Shame" concerned working conditions in Belle Glade.

Last year, the future of farming in the area was cast into doubt when Gov. Charlie Crist announced a \$1.34 billion plan to buy 180,000 acres from the agricultural giant United States Sugar so that farmland could be used in the restoration of the Everglades, to the south of Lake Okeechobee. Although the Crist plan is not finalized, local officials hope that a boost in tourism can make up for some of the threatened loss in agriculture.

But developers were seeing the possibility of wooing visitors — short-term or seasonal — long before this plan. After all, there isn't much room to build another condo on Florida's east or west coasts. And though the collapse of the housing market has brought prices down on the coasts, those still can't compare with prices in the Lake Okeechobee region: modest homes rarely cost more than \$200,000, and a lakeside cabin at the new Lake Okeechobee Outpost in Pahokee can be had for as little as \$1,400 a month in the high season.

There is also the allure of proximity, since the lake communities are never more than a roughly 90-minute drive to either coast.

Then again, the newer, well-heeled visitors to Lake Okeechobee may find that even that's too much time to spare. Which is why the developers of the Pine Creek Sporting Club have begun to offer helicopter service from Palm Beach directly to the luxury community.

It's an amenity that Mr. Boehm, the retired cable executive, plans to tap when he's eager to do a little fishing on a moment's notice. "I can be at the lake in 20 minutes," he said.

U.S. Sugar Purchase Proceeds Despite Opposition

03/20/2009

Okeechobee News

Gawda, Pete

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One of the largest land purchases in Florida history is proceeding despite the opposition of the state's largest agricultural organization.

South Florida Water Management District (SFWMD) is working toward a scheduled September closing for the purchase of 183,000 acres from U.S. Sugar for \$1.34 billion. Among the benefits of the purchase, SFWMD includes increased water storage, cleaner water delivered to the Everglades and elimination of back pumping into Lake Okeechobee. In June the SFWMD Governing Board will be receiving from staff a presentation of possible specific uses for the land and the preliminary costs for those uses.

The Florida Farm Bureau Federation is expressing their opposition to the sale. There are four main points to their opposition. The first is that the organization supports the rights of private property owners to acquire, use and sell property but opposes the unnecessary acquisition of more land by government. The federation is also concerned that, in order to fund the purchase of the land, funds would be siphoned away from Comprehensive Everglades Restoration Plan (CERP) projects. In addition, they are concerned about the huge chunk of land that will be removed from the tax rolls causing a lack of ad valorem taxes to area governments. The farm bureau fears that the seven year lease back period would create any unfair competitive advantage over

other agricultural producers.

Those oppositions were re-vealed in a December, 2008 press release and recently reempha-sized in the organization's March newsletter.

That same March newsletter encourages county farm bureaus to adopt resolutions against the land deal and present their resolutions to their local county commissions.

Interestingly, one seat on the SFWMD Board of governors has been vacant since last June. This seat has traditionally been held by someone with an interest in agriculture. The seat was vacant on Dec. 16, 2008 when the board voted 4-3 to accept the proposal to acquire the land.

Landfill Site Decision Postponed Six Months

03/22/2009

Town-Crier Newspapers, The
Ron Bukley

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The Solid Waste Authority postponed a decision on a new landfill site Wednesday for six months to see if other opportunities arise from the South Florida Water Management District's negotiations to buy land from U.S. Sugar as part of an Everglades restoration effort.

The SWA is seeking a site on which to develop a new landfill because its current facility, located at Jog Road and 45th Street near Palm Beach Gardens, is expected to reach capacity in 2015. Although the authority already owns a landfill site it purchased in 1996, it is seeking another because the current site is along the western side of the Loxahatchee National Wildlife Refuge and is opposed by environmental groups.

The SWA currently is considering two privately owned parcels as potential landfill sites: the "SR 80/US 98 site" at the corner of State Road 80 and U.S. Highway 98 five miles west of 20-Mile Bend, and the Hundley site, on the north side of County Road 880 about four miles west of 20-Mile Bend.

The Palm Beach County Commission, which sits as the SWA Governing Board, postponed a choice on a site in January and allowed staff to gather more public input at forums in Wellington, Royal Palm Beach and Belle Glade.

SWA Executive Director Mark Hammond told the board Wednesday that some residents at the forums raised objections to the 80/98 site, primarily over visibility from SR 80. He said most attendees favored either of the two alternate sites over the site the SWA currently owns.

"They could see that the life-cycle costs, also the fact that these sites were more removed from the Loxahatchee Wildlife Refuge, clearly made the other two sites under consideration more

advantageous," Hammond said.

The SWA has had only sparse contact with the SFWMD regarding negotiations to buy some 180,000 acres of U.S. Sugar farmland, Hammond said.

"I understand the complexity of the deal that they are trying to put together," he said. "It made it extremely difficult for them to commit anything as far as where they might make property available out of the 180,000 acres they are trying to purchase, or to really give us a definitive timetable."

Hammond said it is not clear whether any of the property owned by U.S. Sugar would be appropriate for a landfill. "We really don't see anything that has clear advantages over what we are looking at now," he said. "We are also very concerned about putting a very critical project in the hands of others with no clear expectation of success."

Hammond said both of the current alternate sites are appropriate, but the environmental community and western communities residents view them differently, according to their separate priorities.

"The SR 80/98 site was favored by the environmental community over the Hundley site because it is a mile and a half farther from the Loxahatchee National Wildlife Refuge," he said. "However, the western communities don't particularly like the [SR 80/98] site because it's adjacent to State Road 80, and it's a visibility issue."

Hammond said the SWA's seven-member site selection committee favored the SR80/98 site by a narrow vote, but after the public hearings, Hammond and staff came to favor the Hundley site.

"We took that information, and based on that, we came up with a recommendation we believe makes the Hundley site superior," Hammond said. "We do understand that there are environmental concerns, but we believe those can be mitigated, that they are not extreme problems."

Commissioner Karen Marcus said she had met with SFWMD Land Acquisition Director Ruth Clements, who told her the district has a September deadline to close the U.S. Sugar contract. Meanwhile different offices in the SFWMD have diverse opinions on possible impacts to Stormwater Treatment Area 1-West, which is close to the Hundley site. "It is frustrating to me that we cannot have a relationship or dialogue that will help down the road," Marcus said. "She said if we could wait 'til September, they would be willing to talk to us about a trade."

A motion to postpone the decision for six months was made by Commissioner Burt Aaronson, which was seconded by Marcus.

"I was fully prepared to vote for the Hundley property," Aaronson said. "My question to the staff is, how much impact would it have to delay six months so we could speak to the South Florida Water Management and find out whether or not the U.S. Sugar deal is going to go through and whether or not there is other land? We've delayed this 18 months already. How much difference would that make to the county and to your project? I don't think it would make that much of an impact."

Hammond said he was not optimistic that any of the U.S. Sugar land would offer a better site than their current options. "There is nothing east of the existing sites that we are looking at, so they're going to be farther west," he said. "For every mile of additional transportation, one-way mile, that adds about \$30 million to the transportation cost overall."

Marcus said that the settlement might yield an opportunity beyond the land actually owned by U.S. Sugar.

"The other issue is we keep talking about the transportation costs the farther west you go," she said. "It's still cheaper than the current site, which is down south. They're all still cheaper than our current site."

Hammond said the Hundley site and the Smith site are about eight road miles nearer than the site owned by the SWA.

"In that regard, any of the sites that may come up different than the two we're looking at may be cheaper than the existing site, but we won't know until somebody puts their finger on a map and says 'this is where we are,'" Hammond said.

The motion passed 4-2 with Chairman Jeff Koons and Commissioner Addie Greene opposed.

Put limits on lawmakers' slush funds

03/22/2009

St. Petersburg Times - Online

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The Florida Supreme Court's unanimous opinion upholding the ban on legislators accepting gifts from lobbyists was one of the few bright spots last week in Tallahassee. Despised by many lawmakers and lobbyists, the 2005 law has changed the culture in the capital for the better. Now there is a more insidious form of influence-peddling undermining the integrity of the legislative process, and no one is willing to stop it.

A special report by the Times/Herald Tallahassee bureau revealed that dozens of legislators from both political parties collected \$6 million from special interests during the last campaign cycle for their own slush funds. They spent a significant portion of it on themselves for travel and meals, and they moved big sums between various political committees to back their friends and attack their enemies. There are no limits on the contributions to these committees of continuing existence and no oversight. They pose an enormous threat of corruption and influence-peddling, and they ought to be shut down.

Why did the Hospital Corporation of America give \$269,000 to these slush funds the past two years? Why did U.S. Sugar Corp. give \$226,260? Why did AT&T give \$151,500? They are not interested in the nebulous missions of lawmaker-controlled groups with names such as Alliance for a Strong Economy and Leadership for Florida's Future. HCA wants the Legislature to change the way Medicaid money is awarded. U.S. Sugar wants lawmakers to

embrace a deal for the state to buy its property. AT&T wants phone legislation. They are making down payments by sending checks for \$10,000 or more to these groups that are little more than piggy banks for powerful legislators.

Too many legislators are blind to the dangers. Sen. Mike Haridopolos, R-Melbourne, says committees like the one he helps oversee collect private contributions to pay for lawmakers' travel. Translation: Special interests are only too happy to help pay the operating overhead of a possible future Senate president. In the House, Rep. Ellyn Bogdanoff complains the gift ban forces her to raise money through her committee to travel to speaking engagements. The fact that the Fort Lauderdale Republican chairs a House committee reviewing sales tax exemptions and that contributors to her slush fund benefit from those exemptions must be a coincidence.

The \$500 contribution limit to individual political campaigns is meaningless as long as politicians accept unlimited contributions to these slush funds. And it is too easy to ridicule a gift ban that prevents a lobbyist from directly buying a legislator a steak while the same lobbyist can write the legislator's slush fund a check for \$10,000. These committees have little to do with free speech and everything to do with buying influence, and no amount of public disclosure is going to change that. At the very least, the \$500 limit on contributions to individual campaigns should apply to these slush funds as well.

JUDGE SET FOR RULING ON 'GLADES LAND DEAL

03/22/2009

Sun Sentinel

Reid, Andy

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After months of debate among politicians, environmentalists and Big Sugar, the promise of the state's blockbuster Everglades land deal continually clashes with the reality of a crumbling economy and budget shortfalls.

Now, after a three-day trial last week, a judge will decide whether the proposed \$1.34 billion deal is worth the cost to taxpayers.

Gov. Charlie Crist proposes buying 180,000 acres from U.S. Sugar Corp. to get water flowing again across farmland once part of the Everglades.

One of the remaining hurdles is court approval for the South Florida Water Management District to borrow the money for the largest public land buy in state history. The deal would leave residents in the 16-county district from Orlando to the Keys paying off a 30-year debt expected to grow to \$3 billion with interest.

Supporters hail the deal as a historic opportunity to build reservoirs and treatment areas that can re-create the "missing link" in the River of Grass.

Opponents, led by sugar producer Florida Crystals, question the price and terms of the deal that allow U.S. Sugar to lease its land back at cut-rate prices until the state can afford to build on it.

The trial ended Wednesday.

Palm Beach County Circuit Judge Donald Hafele may issue his ruling this week.

Hafele said he has three legal issues to consider: Does the district have the authority to borrow the money? Is the purpose of the financing plan legal? Does the financing plan comply with the law?

"The bottom line is that the court will follow [its] narrow task," Hafele said during the hearings.

Crist in June announced a proposed deal with U.S. Sugar, and after months of negotiations the water management district board - appointed by the governor - in December approved the agreement by one vote. The district faces a September deadline to close the deal, made trickier by the court challenge.

However Hafele rules, the other side is expected to appeal to the Florida Supreme Court, which adds to the delays.

Florida Crystals attorney Joe Klock argued that district board members approved the financing plan without knowing how much building reservoirs and treatment areas on the land would cost, or how they would pay for it.

He questioned the legality of allowing the district to borrow up to \$2.2 billion, as requested, while the land deal costs \$1.34 billion.

"I don't think someone would do this with their own money," Klock said.

Glades business leaders joined the legal challenge, warning that sacrificing farmland for restoration threatens agricultural jobs. The Miccosukee Tribe argued that the agreement threatens to take money from other Everglades projects.

"This is nothing more than land banking," said tribe attorney and long-time Everglades advocate Dexter Lehtinen.

The district countered that state law gives the agency the power to borrow the money and the courts have upheld the practice. The district contends that buying that much land in such a strategic location would be a boon to Everglades restoration. Questions about how the district can afford the land and still expect to pay for reservoirs and treatment areas is not a legal reason to scuttle the deal, district bond attorney Chris Lamia said.

"The board [members] understood what they were doing," she said.

Despite facing off in court, the state, U.S. Sugar and Florida Crystals have also been talking about another land deal that could cut the costs.

Florida Crystals has proposed a simultaneous arrangement where the district would get land from U.S. Sugar and Florida Crystals that could be used for Everglades restoration, while Florida

Crystals would buy remaining farmland and U.S. Sugar's Clewiston mill.

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INFORMATIONAL BOX:

Three legal issues

Does water district have authority to borrow the money?

Is the purpose of the financing plan legal?

Does the financing plan comply with the law?

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Who buys when Gov. Charlie Crist flies?

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Sun Sentinel

Megan O'Matz, Peter Franceschina and Josh Hafenbrack

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Gov. Charlie Crist tailgated and watched this year's Super Bowl in Tampa, then boarded a 10-seat corporate jet the next morning for a quick trip back to Tallahassee, his schedule shows.

He flew courtesy of Dr. Steven M. Scott, of Boca Raton, founder of a large HMO and a hospital physician network.

Crist regularly flies on the private jets of wealthy businessmen, the Sun Sentinel found, but the governor won't disclose the details.

Over the past two years, Crist's calendar shows about 100 occasions when he was scheduled to fly in or out of private air terminals to get to the capital, concerts, dinners, sporting events, political appearances and stays in St. Petersburg and South Florida.

Crist's office would not reveal who paid for specific flights or answer questions about them, despite the governor's vow of transparency when he took office. "Our constitution requires that our government be open and transparent," Crist said in his January 2007 inaugural address. "And under my administration it will be like never before."

Years ago, as a state senator, Crist took aim at then-Gov. Lawton Chiles for accepting about 30 flights on private jets to watch football games or go turkey hunting. Chiles later reimbursed the planes' owners more than \$7,000. "The whole thing smells," Crist said at the time, calling for elected officials to fully disclose private flights.

Now, as governor, Crist is mum about his own extensive use of

private planes.

His office declined a request for an interview. A spokeswoman would say only that the governor follows travel guidelines and does not use state resources for trips that mix official, personal and political business.

Some say that's not enough of an explanation.

"The governor should be forthcoming and explain who it was who provided these planes and what the purpose was, or at least that there was no public business and no expectation of favors in return," said University of Florida law professor Joseph Little.

The wingmen

Florida makes two state planes available to Crist and other high-level officials around the clock, at a cost to taxpayers of \$3.5 million a year. In the past two years, Crist has flown more than 270 times on state planes, which can only be used for government business.

For personal or political trips, Crist has to take commercial or private planes.

Since January 2007, Crist has taken 31 commercial flights, according to his schedule. His calendar shows the details of 11 private flights, including the tail number, owner and pilot names.

On 124 other occasions, the schedules either have Crist arriving in short time spans at events in distant cities without any reference to a flight, or show only a destination, time and private air terminal. All other information is listed as "TBD," or to be determined.

The governor's office said it had no records with complete flight details, even though his staff and security detail need the information to plan his trips in advance.

Using online flight-tracking records, the Sun Sentinel compared dates, times and destinations of the governor's travel to the routes of private planes. The newspaper identified 82 flights that corresponded to Crist's itineraries.

The majority of those planes were owned by the companies of Scott, the Boca Raton doctor, or Republican Party fundraiser Harry Sargeant, of Delray Beach.

Scott heads a medical investment company and founded an HMO that took in more than \$230 million from the state from 2005 to 2008 under a contract to provide health care to state workers and retirees. In January 2008, the governor appointed Scott to the University of Florida's board of trustees.

Sargeant is a college fraternity brother of Crist's and former state Republican Party finance chairman. His companies have an oil operations lease at the Port of Tampa and Pentagon fuel contracts totaling more than \$1.4 billion. Last month, one of Sargeant's corporate salesmen was indicted in Los Angeles for steering illegal campaign contributions to Crist and others.

Crist's schedule shows that he has also flown on the corporate Falcon jet of Mori Hosseini, a prominent Daytona Beach developer

and Republican Party contributor.

Sargeant and Hosseini could not be reached despite messages left at their offices. Scott's office referred questions to a public relations firm that did not provide comment.

On dozens of occasions, schedules show private planes taking Crist to and from St. Petersburg, where he has a condo on Tampa Bay, and South Florida, where his new bride has a home on Miami's Fisher Island.

The schedules also have Crist flying to a Sheryl Crow concert in Gainesville, a golf tournament hosted by Donald Trump, and a James Bond-inspired March of Dimes Fundraiser at the Breakers Hotel in Palm Beach.

On a Thursday afternoon earlier this month, Scott's plane brought Crist from Tallahassee to Clewiston, on the edge of Lake Okeechobee. U.S. Sugar executives and South Florida water officials were in crucial talks there over a stalled \$1.34 billion deal to restore the Everglades: a prime Crist initiative.

Crist told the Sun Sentinel he was not there for the talks but was taking personal time to show his wife the Everglades. The governor's calendar was empty that afternoon and made no mention of the flight.

At the Clewiston airport, Crist's bodyguard told a Sun Sentinel photographer to leave the tarmac, saying the governor did not want to be photographed exiting the plane.

A spokeswoman for the governor said Crist paid for the flight "according to law," but declined to say how much or provide proof of payment.

Who pays?

Crist can pay for private flights out of his own pocket without any public disclosure — and at a considerably reduced cost. Florida law allows elected officials to pay for private flights at commercial rates. The governor's office did not provide records of any payments by Crist for the more than 100 private flights.

The planes' owners could provide the flights to Crist as gifts, but he would have to list them with the Florida Ethics Commission. Crist has not reported receiving gifts of any kind as governor.

Campaign committees and political parties can pay for flights if they have a political purpose.

The Republican Party of Florida reported more than \$200,000 worth of air travel reimbursements and "in-kind" donations for flights from companies connected to Sargeant, Scott and Hosseini in the past two years, according to state and federal campaign reports.

The purpose of the trips and names of passengers are not reported. It's unclear how many were related to Crist's travel, but the dates of the GOP contributions match the governor's schedule for 19 of the private flights on his calendar.

In one instance, on Valentine's Day last year, a company managed by Sargeant donated a private flight valued at \$386 to

the state Republican Party, federal campaign finance reports state. Crist's calendar shows him flying that day from Tallahassee to Miami, where he met with the ambassador of Ireland for 30 minutes. State Republican Party Chairman Jim Greer would not identify the political purpose of that trip or any other. The party has never arranged a flight for Crist solely to commute between St. Petersburg, Tallahassee or Miami, Greer said.

"If there is an in-kind contribution to the party, then I make a determination that there is a direct or indirect benefit to the party," Greer said. Such benefits include fundraisers, meetings with Republican leaders, grass-roots networking and relationship building, he said.

In November, Skyview Aviation in Orlando flew Crist round trip to California to attend a climate summit hosted by Gov. Arnold Schwarzenegger.

Greer said the company offered the flight as an in-kind donation, but he rejected it because he was unfamiliar with Skyview. Instead, the party sent the company \$39,000.

Pete Benevides, an Orlando real estate investor who owns Skyview, said he was surprised to receive the check and never cashed it because the company does not have a federal certificate to carry paying passengers. Benevides said the flight actually cost far more: \$60,000.

"I thought I was helping our state by getting our governor back and forth to do whatever he does," he said.

Skyview received other requests to fly the governor, Benevides said, explaining that someone on behalf of Crist would call and say: "Hey, do you want to do a trip for the governor?"

The plane that took Crist to California was a Canadair CL-600 Challenger.

"It's like driving a Bentley ... 14 seats with a bed in the back, plasma TVs ... It had a bar full of liquor," Benevides said "It was a nice airplane. Real nice."

Database editor John Maines contributed to this report. Megan O'Matz can be reached at momatz@SunSentinel.com or 954-356-4518.

County Made Right Call In Slowing Down Landfill Decision

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Town-Crier Newspapers, The

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Town-Crier Staff Opinion 20.MAR.09

The western communities celebrated a small victory this week after county commissioners voted to postpone a decision on choosing a new landfill site. Sitting as the Solid Waste Authority Governing Board, the commissioners put off the decision for six months to explore the possibility of using land currently owned by U.S. Sugar if that companys negotiations with the South Florida Water Management District pan out.

Only three months ago, western communities leaders were gearing up for yet another fight with the powers that be out east, this time in the form of the SWA. At issue was the SWAs favored site for a new landfill and the way in which agency heads seemed to make up their minds without input from the western communities. Local officials were concerned that the SWA had decided the landfill should go on a tract of land then known as the Smith site (now called the State Road 80/US 98 site), located directly along Southern Blvd. at the intersection of Route 98 right at the gateway to the Glades communities, which could suffer economically from having a landfill at their front door. Fortunately, all it took was a little public prodding by some of the more outspoken critics of the plan, such as Wellington Councilwoman Lizbeth Benacquisto, whose steadfast objections helped garner support for the western communities point of view.

When the SWA held its public input hearings in late February, Benacquisto was not alone in her opposition to the SR 80/US 98 site; more than 50 residents turned out to the forum in Wellington to challenge the proposal. Apparently, that public input made a difference. According to SWA Executive Director Mark Hammond, the agencys staff now favors a different site, which is more set back from Southern Blvd. and will be less of an eyesore here in the western communities. The new preferred site is the Hundley site, on the north side of County Road 880 about four miles west of 20-Mile Bend.

We congratulate the county for taking its time and rethinking this decision. The commissioners now have six months to gather as much information as possible from all sides and make an informed, deliberative choice. While creating a new landfill out west is an unfortunate necessity, there are ways to build it with minimal impact to the environment and the local economy. It is more than just a matter of not wanting an eyesore in ones back yard (not to mention its negative effect on the nose). As long as there are possible options that preclude putting a landfill along the western regions main thoroughfare, then we should explore those possibilities. Once the landfills there, its there for decades. The county can wait another six months to make sure the right decision is made.

BLOG: Dude, where's my committee?

03/23/2009

Palm Beach Post - Tallahassee Bureau
Bender, Michael

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A meeting of the Joint Legislative Committee on Everglades Oversight was canceled this afternoon when several members were late arriving. The panel was supposed to hear an update on Gov. Charlie Crist's plan to buyout U.S. Sugar, but sounds like there was going to be little news committed.

Ernie Barnett, the director of policy for the SoFla Water Management District, said after the meeting was canceled that discussions are ongoing to modify the deal, but there was little he could say about it publicly.

Florida Environmental Protection Department Secretary Mike Sole said in an interview that "not a day goes by" without him hearing from or speaking to folks at Florida Crystals, which may be looking to become a partner in the deal.

"We're continuously looking for ways to make sure this deal works," Sole said. "The governor's vision has been very clear in trying to acquire as much Sugar land, as much of this property as we can to get that connection. We've always said - always said - that we don't need all the acres.

"We're working everyday to make sure this thing works."

High flying

03/24/2009

Tallahassee Democrat

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Since he has been in office, Gov. Charlie Crist has flown into or out of private air terminals about 100 times to go to various sporting or social events, entertainment, political appearances and to St. Petersburg and South Florida, according to his office calendar and reported in the South Florida Sun-Sentinel.

But the governor, who has been exemplary in his support of transparency in government, creating an Office of Open Government and championing Florida's well-regarded but often abused Sunshine Laws, won't reveal who paid for specific flights.

His office told the newspaper only that the governor follows travel guidelines and that he doesn't use state resources for trips that mix his personal and political business or official duties. For official duties, he uses state planes that are available to him and other top state officials, and he has flown more than 270 times on one of those two state planes, according to records. He also has flown commercial flights 31 times since January 2007.

The majority of private flights were courtesy of Steven M. Scott, a Boca Raton physician, founder of a hospital physician network and of an HMO that makes millions providing health care to state workers and retirees, or of GOP fundraiser Harry Sargeant of Delray Beach, a former fraternity brother of the governor. Other private flights have taken him to and from St. Petersburg, where he lived for years before becoming governor and where he still has a condo on Tampa Bay, or to South Florida, where his wife has a home on Fisher Island.

The Sun-Sentinel found the events he traveled to include entertainment such as a Sheryl Crow concert in Gainesville, but also to Lake Okeechobee, where he met with U.S. Sugar and South Florida water management officials who were at odds over a \$1.34 million purchase of U.S. Sugar land for Everglades restoration.

By the guidelines, the governor can fly on private planes and either reimburse the owners out of his own pocket or accept the flights as gifts and then report them as such to the Florida Ethics Commission. He hasn't done the latter, and there's no requirement that he reveal how much he reimbursed a private citizen or company for the flights, though the Republican Party has reimbursed for some politically related trips.

The thing for Floridians to know is that all this is legal. Taxpayers ought not be paying for purely political trips or entertainment that have nothing to do with state business, yet the relationships suggested by businesses and others doing these favors for the governor ought to be disclosed, plain and simple. There is little enough trust in government with what is known and required to be revealed about campaign contributions and lobbying efforts, and this vagueness simply adds to the obscurity and speculation — often, no doubt, incorrect speculation — about relationships with the governor and why laws or contracts or funds seem to work in the favor of one organization or company, but not others.

It's a matter of openness. As a state senator, Mr. Crist criticized then Gov. Lawton Chiles for taking flights on private jets to go turkey hunting or to football games. Mr. Chiles later repaid the costs of those flights, which Mr. Crist described saying, "The whole thing smells" while saying private flights should be fully disclosed.

He was right then, and he would be right now to begin disclosing the purpose of trips on private planes, the names of all passengers and who picked up the tab, if it isn't him, and, if it's a gift, to reveal how much and for what.

The governor's instincts about open government have been right in most respects, but he needs to add these private flights to his sunshine agenda.

