

**IN THE FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA**

JOSE OLIVIA, in his  
official capacity as Speaker of the  
Florida House of Representatives, et al.,

Appellants,

CASE NO. 1D18-3141  
LT CASE Nos. 2015-CA-001423  
2015-CA-002682

v.

FLORIDA WILDLIFE FEDERATION,  
INC., et al.,

Appellees,

\_\_\_\_\_ /

**REPLY TO APPELLANT LEGISLATIVE PARTIES' RESPONSE TO  
WATERKEEPERS FLORIDA'S MOTION FOR LEAVE TO FILE AMICUS  
CURIAE BRIEF IN SUPPORT OF APPELLEES**

Waterkeepers Florida respectfully submits this Reply to the Appellant  
Legislative Parties' (Appellants) Response to Waterkeepers Florida's Motion for  
Leave to File an Amicus Curiae Brief in order to address mischaracterizations and  
factual inaccuracies made by Appellants in their Response, and states as follows:

**I. APPELLANTS MISCHARACTERIZE WATERKEEPERS FLORIDA AS “LITTLE MORE THAN AN ALTER EGO OF ST. JOHNS RIVERKEEPER.”<sup>1</sup>**

Contrary to the characterization of Waterkeepers Florida that was made in the Appellants’ Response, Waterkeepers Florida is not at all an “alter ego” of St. Johns Riverkeeper. It is, in fact, a separate entity comprised of multiple waterkeeper organizations across the state (of which the St. Johns Riverkeeper is one) each having equal input as to Waterkeeper Florida’s activities.

Waterkeepers Florida is composed of thirteen (13) separate Waterkeeper organizations working in the State of Florida. Therefore, the issues addressed, the geography covered, and the number of participants in Waterkeepers Florida extends far beyond that of the St. Johns Riverkeeper organization, and the implication by Appellants that Waterkeepers Florida is merely an alias for a single member organization is false.

Apalachicola Riverkeeper was formed in 1998 with jurisdiction including Jackson, Gadsen, Gulf, Liberty, Calhoun and Franklin counties and the 2,600 square mile basin of the Chipola River and Apalachicola River. Calusa Waterkeeper was formed in 2016 with jurisdiction including Lake Okeechobee, the Caloosahatchee River, and Charlotte Harbor. Collier County Waterkeeper joined the Waterkeeper Alliance in 2015 with jurisdiction including Rookery Bay,

---

<sup>1</sup> Resp. ¶ 1.

Gordon River, Naples Bay, Wiggins Pass, Gordon Pass, Big Cypress National Park, Marco Island, Keewaydin Island, and 10,000 Islands. Emerald Coastkeeper joined the Waterkeeper Alliance in 1999 with jurisdiction including Escambia, Santa Rosa, Okaloosa, Walton, and parts of Bay counties as well as Perdido Bay, Escambia Bay, Pensacola Bay, East Bay, Blackwater River, Santa Rosa Sound, Bayou Grande, Bayou Chico, and Weekly Bayou. Indian Riverkeeper joined the Waterkeeper Alliance in 2003 with jurisdiction including the entire 156 miles of the Indian River Lagoon, from Jupiter Inlet north to New Smyrna. Lake Worth Waterkeeper Riverkeeper joined the Waterkeeper Alliance in 2017 with jurisdiction spanning over 1,500 square miles including the Lake Worth Lagoon in Palm Beach County. Matanzas Riverkeeper was formed in 2013 with jurisdiction including the Matanzas River basin spanning parts of St. Johns and Flagler counties. Miami Waterkeeper was formed in 2010 as Biscayne Bay Waterkeeper and relaunched in 2014 as Miami Waterkeeper with jurisdiction including Miami-Dade and Broward counties and encompassing the Florida reef tract. St. Johns Riverkeeper was formed in 1999 with jurisdiction beginning in Indian River County following the St. Johns River to where it meets the Atlantic Ocean in Duval County. St. Marys Riverkeeper joined the Waterkeeper Alliance in 2016 with jurisdiction including over 1,500 square miles spanning the Florida-Georgia border. Suncoast Waterkeeper was formed in 2012 with jurisdiction including the

nearshore, coastal, and interior waterways in, and around, Manatee and Sarasota counties. Suwannee Riverkeeper was formed in 2012 as WWALS Watershed Coalition and joined the Waterkeeper Alliance in 2016 with jurisdiction in Florida including all or parts of Baker, Columbia, Madison, Hamilton, Suwannee, Lafayette, Gilchrist, Dixie, and Levy counties as well as 21 miles of the Alapaha River, 28 miles of the Withlacoochee River, and 206 miles of the Suwannee River. Tampa Bay Waterkeeper was formed in 2017 with jurisdiction including nearly 2,400 square miles spanning Pinellas, Hillsborough, and Manatee counties.

The aggregate jurisdiction of all the member organizations of Waterkeepers Florida spans over 45,000 square miles of watershed containing over 15 million Floridians reaching far beyond the issues addressed, the geography covered, and the number of participants of St. Johns Riverkeeper. Waterkeepers Florida respectfully requests this Court disregard the Appellants' unsound contention that Waterkeepers Florida is an alter ego of the St. Johns Riverkeeper organization.

**II. APPELLANTS ERRONEOUSLY QUESTION THE INDEPENDENT EXISTENCE OF THE WATERKEEPERS FLORIDA REGIONAL ENTITY.<sup>2</sup>**

The Waterkeeper Alliance is a 501(c)(3) organization with the mission to grow a global network of grassroots leaders protecting everyone's right to clean water. The Waterkeeper Alliance licenses both Waterkeeper organizations as well

---

<sup>2</sup> Resp. ¶ 5.

as Waterkeeper Affiliates based on conformance with their quality standards criteria. There are 340 Waterkeeper Organizations and Affiliates in 44 countries. Each of these Waterkeeper Organizations maintains a geographic jurisdiction in which they operate to carry out their individual mission.

The Waterkeeper Alliance has a process by which multiple Waterkeeper Organizations may form Regional Entities, **such as Waterkeepers Florida**, to collaborate and share resources. Waterkeeper Regional Entities are composed of multiple Waterkeeper Organizations and are bound by a different set of quality standards than Waterkeeper Organizations and Affiliates. Waterkeeper Regional Entities must create and submit an application to the Waterkeeper Support Committee for review, then to the Waterkeeper Alliance Board of Directors for approval. Waterkeeper Regional Entities have the option, but are not required, to incorporate as a 501(c)(3) or 501(c)(4) organization.

There are 13 Waterkeepers organizations with jurisdiction in Florida. Since the inception of each Florida Waterkeeper organization, each individual organization has worked autonomously in its own watershed and occasionally collaborated with other Waterkeeper organizations around the state as was appropriate. In October of 2018, recognizing the need to bolster communication and collaboration in order to accomplish our collective missions on a statewide level, the 13 Waterkeeper Organizations working in the state of Florida submitted

and application to formally organize as a Waterkeeper Regional Entity. This application included a set of by-laws under which the Regional Entity operates and a letter of intent to participate from each of the 13 Florida Waterkeeper Organizations. In December of 2018, the Waterkeeper Alliance Board of Directors approved the Waterkeepers Florida Regional Entity.

According to its bylaws, the Waterkeeper Florida Regional Entity shall have a Board Chair and a Vice Chair. Lisa Rinaman (the St. Johns Riverkeeper) was nominated and elected to serve as the Chair of Waterkeepers Florida for its inaugural term based on her expertise and tenure as one of the senior-most Waterkeepers in the state. Because Waterkeepers Florida is composed of organizations located across the state, there is not a single office location for Waterkeepers Florida, therefore the contact information listed for correspondence for Waterkeepers Florida is listed as that of the Chair.

Since its inception, Waterkeepers Florida has taken action beyond its involvement in the instant case including passing a resolution against phosphate mines in the state of Florida, drafting correspondence to Governor DeSantis, the First Lady, and the Secretary of the Department of Environmental Protection regarding recommendations for addressing water quality issues in the state of Florida, and identifying and prioritizing bills to monitor in the 2019 legislative session. Lisa Rinaman's Position as Chair of Waterkeepers Florida had no bearing on

Waterkeepers Florida's decision to file an Amicus Curiae Brief in this case. The motion to file an Amicus Curiae Brief in this case was made by Matanzas Riverkeeper, Jennifer Lomberk. The motion was unanimously approved as is required by the bylaws of Waterkeepers Florida.

Based on the foregoing, Waterkeepers Florida respectfully requests this Court to disregard the implication in Paragraph 5 of Appellants' Response that seems to serve only to (a) cast doubt on whether Waterkeepers Florida actually exists, and (b) again imply that Waterkeepers Florida is merely an alias of the St. Johns Riverkeeper organization.

**III. APPELLANTS FALSELY CLAIM THAT COUNSEL FOR ST. JOHNS RIVERKEEPER PARTICIPATED IN THE PREPARATION OF WATERKEEPERS FLORIDA'S MOTION AND PROPOSED AMICUS CURIAE BRIEF.<sup>3</sup>**

Counsel for the St. Johns Riverkeeper did not author Waterkeepers Florida's Motion or proposed Amicus Curiae Brief in whole or in part. Neither St. Johns Riverkeeper, counsel for the St. Johns Riverkeeper, nor any other party contributed money that was intended to fund preparing or submitting Waterkeepers Florida's Motion or proposed Amicus Curiae Brief. In short, there is absolutely nothing to support this claim, and therefore it should be disregarded by this Court.

---

<sup>3</sup> Resp. ¶ 5.

Courts typically welcome Amici with special expertise or with a perspective on the impact of a case beyond the litigating parties. The issue on appeal in this matter is of broad public importance, as evidenced by the diverse and numerous parties and Amici. Waterkeepers Florida has a unique perspective that can help this Court resolve this case, and Waterkeepers Florida is grateful to the Court for this opportunity to participate.

**WHEREFORE**, Waterkeepers Florida respectfully requests this Court to issue an Order granting Waterkeepers Florida leave to file its accompanying Reply to Appellants' Response.

Date: March 8, 2019

Respectfully submitted by:

*/s/ Jennifer Lomberg*  
Jennifer Lomberg  
Florida Bar No. 125264  
[Jen@MatanzasRiverkeeper.org](mailto:Jen@MatanzasRiverkeeper.org)  
Phone: (904) 471-9878  
291 Cubbedge Road  
St. Augustine, Florida 32080  
*Counsel for Amicus Curiae*  
*Waterkeepers Florida*



**CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that the foregoing was prepared using Times New Roman, 14-point font, which complies with the requirements of Rule 9.210(a)(2) of the Florida Rules of Appellate Procedure.

*/s/ Jennifer Lomberk*  
Jennifer Lomberk  
Florida Bar No. 125264  
[Jen@MatanzasRiverkeeper.org](mailto:Jen@MatanzasRiverkeeper.org)  
(904) 471-9878  
291 Cubbedge Road  
St. Augustine, Florida 32080  
*Counsel for Amicus Curiae*  
*Waterkeepers Florida*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been provided via electronic delivery upon the following persons this 8<sup>th</sup> day of March, 2019.

David G. Guest  
525 West 8th Avenue  
Tallahassee, Florida 32303  
david@davidguestlaw.net  
*Attorney for Appellees, Florida  
Wildlife Federation, Inc.*

Kenneth B. Wright  
1301 Riverplace Blvd., Suite 1818  
Jacksonville, Florida 32207  
ken@jacobsonwright.com  
*Attorney for Appellees, Florida  
Wildlife Federation, Inc.*

Alisa Coe  
Bradley Marshall  
EarthJustice  
111 S. Martin Luther King Jr. Blvd.  
Tallahassee, Florida 32301  
acoe@earthjustice.org  
bmarshall@earthjustice.org  
*Attorneys for Appellees, Florida  
Wildlife Federation, Inc.*

Robert T. Benton, II  
P.O. Box 126020  
Tallahassee, Florida 32302-0412  
bob@bentonlex.com  
*Attorney for Appellees, Florida  
Wildlife Federation, Inc.*

Joseph Little  
3731 NW 13<sup>th</sup> Place  
Gainesville, Florida 32605  
littlegnv@gmail.com Attorney for  
*Attorney for Florida Defenders of the  
Environment*

Steven Hall  
Joan Matthews  
Allan Charles  
Florida Department of Agriculture  
And Consumer Services  
The Mayo Building  
Tallahassee, Florida 32399-0800  
steven.hall@FreshFromFlorida.com  
joan.matthews@FreshFromFlorida.com  
allan.charles@FreshFromFlorida.com  
*Attorneys for Defendant,  
Commissioner of Agriculture*

Wayne E. Flowers  
John W. Wallace  
Lewis, Longman & Walker, P.A.  
245 Riverside Ave. Suite 150  
Jacksonville, Florida 32202  
Wflowers@llw-law.com  
jwallace@llw-law.com  
morourke@llw-law.com  
*Co-Counsel for Florida Department  
of Agriculture and Consumer Services  
and Adam Putnam*

Carlos A Rey  
Bradley McVay  
Ashley Davis  
R A Gray Building, Suite 100  
500 South Bronough  
Tallahassee, Florida 32399-0250  
Carlos.Rey@dos.myflorida.com  
Brad.mcvay@dos.myflorida.com  
Ashley.davis@dos.myflorida.com  
*Attorneys for Defendant, Florida  
Secretary of State*

Andy Bardos  
Tim Moore  
Ashley Hoffman Lukis  
Gray Robinson P.A.  
Post Office Box 11189  
Tallahassee, Florida 32302  
Andy.Bardos@gray-robinson.com  
tim.moore@gray-robinson.com  
Ashley.lukis@gray-robinson.com  
*Attorneys for Defendants the Florida  
Legislature, Senate President Joe  
Negrón, and Speaker Richard  
Corcoran*

George N. Meros  
Holland & Knight  
315 S. Calhoun St., Suite 600  
Tallahassee, Florida 32301  
George.Meros@hklaw.com  
*Attorney for Defendants the Florida  
Legislature, Senate President Joe  
Negrón, and Speaker Richard  
Corcoran*

Jeremiah Hawkes  
Ashley Istler  
The Florida Senate  
302 The Capitol  
404 South Monroe Street Tallahassee,  
Florida 32399-1100  
hawkes.jeremiah@flsenate.gov  
istler.ashley@flsenate.gov  
everette.shirlyne@flsenate.gov  
*Attorneys for Defendant, Senate  
President*

Adam S. Tanenbaum  
418 The Capitol  
402 South Monroe Street  
Tallahassee, Florida 32399-1300  
Adam.tanenbaum@myfloridahouse.gov  
Adam.tanenbaum1@gmail.com  
*Attorney for the Speaker of the  
Florida House of Representatives*

Harold G. Vielhauer  
Anthony Pinzino  
Florida Fish and Wildlife  
Conservation Commission  
620 South Meridian Street  
Tallahassee, Florida 32399-1600  
bud.vielhauer@myfwc.com  
anthony.pinzino@myfwc.com  
*Attorneys for Defendants, Executive  
Director and Florida Fish and  
Wildlife Commission*

Robert Williams  
Jeffrey Brown  
Kelley Corbari  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399  
robert.a.williams@dep.state.fl.us  
jeffrey.brown@dep.state.fl.us

kelley.corbari@dep.state.fl.us  
anne.willis@dep.state.fl.us  
DEP.Defense@dep.state.fl.us  
*Attorneys for Defendants Secretary  
and Department of Environmental  
Protection*

John R. Thomas  
8770 Dr. Martin Luther King, Jr. St. N.  
St. Petersburg, Florida 33702  
jrthomasesq@gmail.com  
*Counsel for Movant Florida Springs  
Council, Inc*

Anne Harvey Holbrook  
500 N. Maitland Ave. Ste. 210  
Maitland, FL 32751  
AHolbrook@savethemanatee.org  
*Attorney for Amicus Curiae  
Save the Manatee Club*

Paul J. Schwiep  
2601 South Bayshore Drive  
Miami, FL 33133  
PSchwiep@CoffeyBurlington.com  
YVB@CoffeyBurlington.com  
Service@CoffeyBurlington.com  
*Counsel for Amicus Curiae  
Friends of the Everglades, Inc.*

Corbin F. Hanson  
12 Southeast 1<sup>st</sup> Street  
Gainesville, FL 32601  
cfhanson@alachuacounty.us  
kniederloh@alachuacounty.us  
cao@alachuacounty.us  
*Counsel for Amicus Curiae  
Alachua County*

*/s/ Jennifer Lomberk*  
Jennifer Lomberk  
Florida Bar No. 125264  
[Jen@MatanzasRiverkeeper.org](mailto:Jen@MatanzasRiverkeeper.org)  
(904) 471-9878  
291 Cubbedge Road  
St. Augustine, Florida 32080  
*Counsel for Amicus Curiae  
Waterkeepers Florida*