

Compiled by: South Florida Water Management District
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- [US Sugar, Everglades land deal to move forward | KXNet.com North Dakota News](#) 08/26/2009 KXMD-TV - Online
- [US Sugar, Everglades land deal to move forward](#) 08/26/2009 Las Vegas Sun - Online
- [Judge oks financing so Fla. can buy US Sugar land](#) 08/26/2009 Ledger - Online, The **BRIAN SKOLOFF**
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 [Judge OK's bonds to buy U.S. Sugar land, puts spending cap on deal](#) 08/26/2009 Miami Herald - Online, The

THE EVERGLADES Sugar deal OK'd with limits

08/27/2009

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Miami Herald, The
Morgan, Curtis

Water managers won crucial judicial approval Wednesday to borrow up to \$650 million for the first phase of Gov. Charlie Crist's land deal with U.S. Sugar.

But Palm Beach Circuit Judge Donald Hafele balked at extending the credit line as far as the South Florida Water Management District had sought -- up to \$2.2 billion.

He whacked the district's bonding request by two-thirds. That cap at the least could complicate, and potentially jeopardize, plans to purchase the sugar giant's remaining acres and build the Everglades restoration reservoirs and treatment marshes.

The decision, almost certain to be appealed to the Florida Supreme Court, keeps the controversial land deal alive and on track -- a significant legal and political win for the district and the governor who has championed it.

Carol Wehle, the district's executive director, said water managers were elated they had cleared a major hurdle toward closing on the \$536 million purchase of 73,000 acres from U.S. Sugar.

She said no other previous acquisition would do as much to help resolve water supply and quality problems that have affected not just the Everglades, but Lake Okeechobee and coastal estuaries as well, for decades.

``The most exciting thing about this is keeping our ability to buy this land," she said.

PARTIAL VICTORY

Still, the 36-page ruling was enough of a split decision that the Miccosukee Tribe and U.S. Sugar rival Florida Crystals Corp., who challenged the deal as a multibillion-dollar boondoggle for taxpayers, claimed partial victory.

``The district can't possibly think this is a victory. You can't go in and ask for \$2.2 billion and walk out with \$650 million and claim that," Crystals attorney Joe Klock said.

Klock and Miccosukee attorney Dexter Lehtinen argued the district doesn't have the money to build anything on the land or purchase the company's remaining 107,000 acres -- a three-year option that is costing the district \$50 million -- and that the deal will siphon money from other projects and delay Everglades restoration by decades.

DISTRICT AUTHORITY

In his ruling, Hafele rejected many of the technical challenges to the district's financing plan, finding the district was within its authority to issue bonds -- at least for the initial land purchase that he wrote would clearly benefit the public by helping restore the Everglades.

But he rejected additional dollars for the remaining, larger chunk of U.S. Sugar land -- 107,000 acres that, under the terms of the option, would cost the district another \$790 million.

``The record is essentially devoid of any information discussing how the remaining 107,000 acres (if acquired) would be utilized," Hafele wrote. ``While detailed, specific plans are unnecessary, this is not to say that the District may seek bond validations with ideas so nebulous that the court cannot determine their legality."

The judge also acknowledged ``strong arguments" that the deal might be ``economically impossible," but said that legal precedents blocked him from considering economic considerations.

`` I think he went as far as he thought he could go," Klock said.

DOWNSIZED

The district's \$2.2 billion request reflected the cost of the original deal proposed more than a year ago by Crist, which was for all of U.S. Sugar's 180,000-plus acres, its mill, railroad and other assests. It has been downsized twice since.

FINANCING

Hafele approved \$650 million, which would cover the initial 73,000 acres, a first year of debt and assorted legal and financing fees. The district, which hopes to close the deal by next year, still needs to secure financing in a still-shaky credit market.

Wehle and district Chairman Eric Buermann said the purchase would improve restoration efforts with or without the remaining U.S. Sugar land. But they also said they also had other options to acquire it in the future -- through additional bonds, land swaps or other deals with third parties or new revenues if the economy turns around.

`` I really think the rest of it will fall into place as we move forward," said Buermann. `` Two or three years is an eternity when it comes to the economy and financing."

Though they hope to someday acquire all of U.S. Sugar's lands, environmentalists still hailed the rulings as a key step.

`` This is a substantial piece of property that we need to go forward," said Thom Rumberger , chairman of the Everglades Trust .

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Judge allows Crist's Everglades land deal to move forward

08/27/2009

Sun Sentinel

Reid, Andy

A judge's ruling Wednesday kept alive Gov. Charlie Crist's bid for a half-billion-dollar Everglades restoration land deal with U.S. Sugar Corp.

But Palm Beach County Circuit Court Judge Donald Hafele struck down the proposal to borrow as much as \$2.2 billion for additional land buys from U.S. Sugar and to help pay for construction of reservoirs and treatment areas that would be built on the farmland.

The ruling allows the South Florida Water Management District to move forward with its \$536 million plan to buy an initial 73,000 acres from U.S. Sugar. However, the ruling also calls into question whether Crist and the district, which leads Everglades restoration, will be able to buy an additional 107,000 acres from U.S. Sugar as proposed.

The judge allowed the district to borrow as much as \$650 million.

"The district has failed to show any purpose with respect to the acquisition of the remaining 107,000 acres," Hafele wrote in his ruling. "A minimal level of specificity is required in order for the court to determine that a valid public purpose exists."

The district plans to use the U.S. Sugar land to build a system of reservoirs and treatment areas that would reconnect water flows from Lake Okeechobee to what remains of the Everglades.

Both supporters of the deal and the critics who say it costs too much claimed at least partial victories Wednesday. The case is likely to be appealed to the Florida Supreme Court.

Crist said he remains confident that the judge's ruling allows his Everglades restoration plans to move forward in a "financially responsible manner." Federal money, land swaps and other funding options are being considered to acquire the additional land and help with construction costs.

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"Today represents another step forward in achieving this once-in-a-lifetime opportunity for achieving restoration of the River of Grass," Crist said in a written release Wednesday.

Opponents to the deal, including the Miccosukee Tribe and U.S. Sugar competitor Florida Crystals, argued to Hafele that the deal would cost taxpayers too much and warned that it would take money away from other delayed Everglades restoration projects.

Hafele determined that the district's plans for "surface water storage and treatment is a valid public purpose."

"Although the defendants allude to questionable motives in this land deal, they have provided no evidence showing that the land deal is primarily a 'bail out' of U.S. Sugar Corporation," Hafele wrote.

Opponents Wednesday still took credit for shaving \$1.55 billion off the potential debt that would be shouldered by South Florida property taxpayers. The Miccosukee are "likely" to pursue an appeal, according to attorney Dexter Lehtinen. Florida Crystals Vice President Gason Cantens said the company was still considering its legal options.

Even with the approval to buy the land, the district doesn't have the billions of dollars needed to build reservoirs and treatment areas, Florida Crystals attorney Joe Klock said.

"They have no money to improve the land," Klock said. "How they could consider that a victory is beyond me."

The deal still remains a historic opportunity to acquire strategically located agricultural land once thought unattainable for Everglades restoration, said Thom Rumberger, president of the Everglades Trust.

"It really does represent a great step forward," Rumberger said. "We are going to build treatment areas and we are going to build reservoirs."

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

Everglades restoration clears hurdle

08/27/2009

Tampa Bay Business Journal - Online

A Palm Beach County judge approved \$650 million in bonds to pay for the purchase of 73,000 acres of U.S. Sugar Corp. land for Everglades restoration.

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Judge approves financing for Everglades restoration

08/27/2009

Sarasota Herald-Tribune - Online

BRIAN SKOLOFF The Associated Press

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WEST PALM BEACH. - Florida water managers can move ahead with financing plans for a historic \$536 million deal to buy land from U.S. Sugar Corp. for Everglades restoration, a judge ruled Wednesday.

The order allows the South Florida Water Management District, which oversees restoration efforts for the state, to move forward with plans to buy 73,000 acres of farmland from the company to build reservoirs and water treatment marshes intended to clean water and restore natural flow through the Everglades. The deal also leaves open the option for the state to buy more land from the nation's largest cane sugar producer.

Total restoration of the Everglades is estimated to cost billions.

Palm Beach County District Judge Donald Hafele noted in his order that the district proved the proposal has a "valid public purpose."

The wetlands have been damaged after years of building dikes, dams and diversions to make way for farms and development, and the region is now polluted with urban runoff and fertilizers.

U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians, who live in the Everglades, had argued the deal was an irresponsible use of taxpayer dollars and could further delay Everglades restoration. They sought to stop financing for bonds the water district wants to issue to pay for the deal.

"I'm obviously excited about the judge's ruling," said Michael Sole, secretary of Florida's Department of Environmental Protection. "Without question, this is going to allow us to move forward with the historic acquisition."

The Miccosukee Tribe said it would likely appeal the ruling to the state Supreme Court. However, the tribe also called it a "partial victory" because the judge did not approve financing of \$2.2 billion the water district was actually seeking. The district wanted approval for the additional funds to give it future flexibility to purchase the additional land.

The case began and ended with the water district seeking approval for financing of \$2.2 billion in bonds since the original plan announced by Gov. Charlie Crist in June 2008 called for a \$1.75 billion purchase of all U.S. Sugar's land and assets in the Everglades.

But the land deal has changed several times and has since been scaled back because of the economic downturn. The new deal now seeks to buy just the 73,000 acres.

The judge only gave the district the authority to move ahead with financing about \$650 million, the amount needed for the 73,000 acres. Still, the water district said it would consider other financing options later if it chooses to purchase the additional property.

The tribe also contends that such a purchase should require a voter referendum.

"Allowing the district to use taxpayer money to pay the debt to buy land now, and then raise taxes to pay for construction on it later, is contrary to the Florida constitution," tribe attorney Dexter Lehtinen said.

Florida Crystals said it was considering an appeal.

"Everyone says sugar farmers are destroying the Everglades and they don't want restoration," said Florida Crystals Vice President Gaston Cantens. "Nothing could be further from the truth."

Cantens said sugar farmers have spent millions of dollars cleaning up their operations and removing additional pollutants from water that flows onto their land from the north.

The company also claims this deal will give an unfair business advantage to its competitor because U.S. Sugar can lease back the land at a nominal rate for a number of years until the water district's restoration projects are under way.

Everglades restoration clears hurdle

08/27/2009

South Florida Business Journal

Brinkmann, Paul

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A Palm Beach County judge approved \$650 million in bonds to pay for the purchase of 73,000 acres of U.S. Sugar Corp. land for Everglades restoration.

Circuit Judge Don Hafele's ruling limited the South Florida Water Management District to that amount for bonding, even though the district originally requested for authorization to acquire an additional 107,000 acres.

"The district's witnesses outlined, parcel by parcel, the immediate and future benefits to be gained by the 73,000 acre acquisition," Hafele wrote in his ruling. "Among the benefits to be achieved are storage and treatment of water before it is pumped into Lake Okeechobee, additional storage and treatment facilities In contrast, however, the record is essentially devoid of any information discussing how the remaining 107,000 acres (if acquired) would be utilized."

The ruling comes over the objection of sugar rival Florida Crystals Corp. and the Miccosukee Tribe of Indians of Florida.

The bond is expected to cover the \$536 million cost of land, plus additional fees and costs.

Mike Sole, secretary of the Florida Department of Environmental Protection, and Eric Buermann, chairman of the water management district's governing board, said the state was happy with the ruling. State and district officials said they could not say if bond validation would need to be sought for future purchases of land beyond the 73,000 acres.

"This allows us to at least make the first step in that plan to restore the Everglades," Buermann said in a press conference. "It allows us to move forward. Obviously we would have liked validation of all the bonds, but I think we will be successful there as well."

Gov. Charlie Crist announced the original plan to buy all of U.S. Sugar's property last summer – originally 181,000 acres for \$1.34 billion. But, the economy and political pressure forced the governor and water management district to downsize the plan.

In a news release, the tribe indicated it may appeal the ruling, but "claimed a partial victory for itself and the taxpayers by convincing a judge not to validate the full \$2.2 billion in bonds."

Dexter Lehtinen, the attorney for the Miccosukees, said the tribe was proud of its challenge to the higher bonding amount.

"While we are pleased that the court recognized the district had no comprehensive plan, and we saved the taxpayers money, we are disappointed that it did allow \$650 million to purchase 73,000 acres of land when the district has no money to build projects on it," he said in the release. "The tribe, whose goal is to save the Everglades, is likely to pursue legal action in the form of a motion for rehearing or an appeal to the Florida Supreme Court."

Carol Wehle, executive director of the water management district, said the water managers are "very excited" about the ruling and the purchase of the first 73,000 acres will mean huge advances in restoration.

U.S. Sugar Corp. issued a statement praising Wednesday's ruling.

"We are very pleased with the court decision today that validates the district's authority to finance the \$650 million needed to complete this critical River of Grass land acquisition so that Everglades restoration can move forward," said Robert Coker, senior vice president of public affairs, in a news release. "There was little doubt as to the public benefit of acquiring this land."

One major backer of the restoration plan also praised the ruling.

"Everglades restoration cleared a significant hurdle today," said Kirk Fordham, CEO of the Everglades Foundation. "The foundation believes that now is the time for all stakeholders to respect the court's decision and channel efforts to work collaboratively to advance the restoration process."

U.S. Sugar, Everglades land deal to move forward

08/27/2009

Daily Times, The

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Originally published: August 27. 2009 3:01AM

WEST PALM BEACH, Fla. A Florida judge has ruled that the state can move ahead with a \$536 million plan to buy land from U.S. Sugar Corp. for Everglades restoration.

Palm Beach County District Judge Donald Hafele says in his order Wednesday that the South Florida Water Management District proved the proposal has a valid public purpose.

South Florida water managers plan to buy 73,000 acres of farmland from the company to construct reservoirs and water treatment marshes.

The deal also leaves open the option for the state to purchase more land from the nation's largest cane sugar producer.

But U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians had argued the deal was an irresponsible use of taxpayer dollars and could further delay Everglades restoration efforts.

US Sugar, Everglades land deal to move forward

08/27/2009

BusinessWeek - Online

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Florida-U.S. Sugar deal OK'd with limits

08/27/2009

MalaysiaNews.net

CURTIS MORGAN

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South Florida

THE EVERGLADES

A judge signed off on water managers' plans to borrow money to buy U.S. Sugar lands for Everglades projects, but he capped the amount.

Water managers won crucial judicial approval Wednesday to borrow up to \$650 million for the first phase of Gov. Charlie Crist's land deal with U.S. Sugar.

But Palm Beach Circuit Judge Donald Hafele balked at extending the credit line as far as the South Florida Water Management District had sought -- up to \$2.2 billion.

He whacked the district's bonding request by two-thirds. That cap at the least could complicate, and potentially jeopardize, plans to purchase the sugar giant's remaining acres and build the Everglades restoration reservoirs and treatment marshes.

The decision, almost certain to be appealed to the Florida Supreme Court, keeps the controversial land deal alive and on track -- a significant legal and political win for the district and the governor who has championed it.

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She said no other previous acquisition would do as much to help resolve water supply and quality problems that have affected not just the Everglades, but Lake Okeechobee and coastal estuaries as well, for decades.

``The most exciting thing about this is keeping our ability to buy this land," she said.

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Still, the 36-page ruling was enough of a split decision that the Miccosukee Tribe and U.S. Sugar rival Florida Crystals Corp., who challenged the deal as a multibillion-dollar boondoggle for taxpayers, claimed partial victory.

``The district can't possibly think this is a victory. You can't go in and ask for \$2.2 billion and walk out with \$650 million and claim that," Crystals attorney Joe Klock said.

Klock and Miccosukee attorney Dexter Lehtinen argued the district doesn't have the money to build anything on the land or purchase the company's remaining 107,000 acres -- a three-year option that is costing the district \$50 million -- and that the deal will siphon money from other projects and delay Everglades restoration by decades.

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But he rejected additional dollars for the remaining, larger chunk of U.S. Sugar land -- 107,000 acres that, under the terms of the option, would cost the district another \$790 million.

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FINANCING

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``This is a substantial piece of property that we need to go forward," said Thom Rumberger, chairman of the Everglades Trust.

DJ Judge OKs \$536M Buy Of 73,000 Acres From US Sugar To Aid Everglades-Report

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08/26/2009

Dow Jones Commodities News Service

Aug 26, 2009 (Dow Jones Commodities News Select via Comtex) -- DOW JONES NEWSWIREs

A Florida judge ruled Wednesday that a \$536 million state purchase of 73,000 acres from U.S. Sugar Corp. to help restore the Everglades can go forward, reports The Sun-Sentinel of Fort Lauderdale. Judge Donald Hafele rejected arguments by U.S. Sugar competitor Florida Crystals and the Miccosukee Tribe that the purchase would hamper other Everglades projects. However, the judge held back on plans to borrow \$2.2 billion to buy another 107,000 acres, saying more specifics are needed.

Full story at <http://www.sun-sentinel.com/news/local/breakingnews/sfl-everglades-land-deal-p082609,0,2693984.story>

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US Sugar, Everglades land deal to move forward

08/26/2009

Enquirer-Herald - Online

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US Sugar/Everglades deal to move forward

08/26/2009

Examiner.com

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Judge OKs financing so Fla. can buy US Sugar land

08/26/2009

Florida Today - Online

BRIAN SKOLOFF

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WEST PALM BEACH Florida water managers can move ahead with financing plans for a historic \$536 million deal to buy land from U.S. Sugar Corp. for Everglades restoration, a judge ruled Wednesday.

The order allows the South Florida Water Management District, which oversees restoration efforts for the state, to move forward with plans to buy 73,000 acres of farmland from the company to build reservoirs and water treatment marshes intended to clean water and restore natural flow through the Everglades. The deal also leaves open the option for the state to buy more land from the nation's largest cane sugar producer.

Total restoration of the Everglades is estimated to cost billions.

Palm Beach County District Judge Donald Hafele noted in his order that the district proved the proposal has a "valid public purpose."

The wetlands have been damaged after years of dikes, dams and diversions to make way for farms and development, and the region is now polluted with urban runoff and fertilizers.

U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians, who live in the Everglades, had argued the deal was an irresponsible use of taxpayer dollars and could further delay Everglades restoration. They sought to stop financing for bonds the water district wants to issue to pay for the deal.

"I'm obviously excited about the judge's ruling," said Michael Sole, secretary of Florida's Department of Environmental Protection. "Without question, this is going to allow us to move forward with the historic acquisition."

The Miccosukee Tribe said it would likely appeal the ruling to the state Supreme Court. However, the tribe also called it a "partial victory" because the judge did not approve financing of \$2.2 billion the water district was actually seeking. The district wanted approval for the additional funds to give it future flexibility to purchase the additional land.

The case began and ended with the water district seeking approval for financing of \$2.2 billion in bonds since the original plan announced by Gov. Charlie Crist in June 2008 called for a \$1.75 billion purchase of all U.S. Sugar's land and assets in the Everglades.

However, the land deal has changed several times and has since been scaled back because of the economic downturn. The new deal now seeks to buy just the 73,000 acres.

The judge only gave the district authority to move ahead with financing about \$650 million, the amount needed for the 73,000 acres. Still, the water district said it would consider other financing options later if it chooses to purchase the additional property.

The tribe also contends that such a purchase should require a voter referendum.

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US Sugar, Everglades land deal to move forward

08/26/2009

Forbes - Online

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South Florida water managers plan to buy 73,000 acres (29,543 hectares) of farmland from U.S. Sugar Corp. to construct reservoirs and water treatment marshes.

The deal also leaves open the option for the state to purchase more land from the company.

But U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians had argued the deal was an irresponsible use of taxpayer dollars and could further delay Everglades restoration efforts.

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Judge approves financing of Florida plan to buy US Sugar land for Everglades restoration

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Indianapolis Business Journal - Online

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US Sugar, Everglades land deal to move forward updated at August 26th, 2009 2 46pm

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KSTP-AM - Online

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Associated Press

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Las Vegas Sun - Online

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Judge oks financing so Fla. can buy US Sugar land

08/26/2009

Ledger - Online, The

BRIAN SKOLOFF

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AP Florida News

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Associated Press (AP) - Tallahassee Bureau
Skoloff, Brian

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Everglades restoration clears hurdle

08/26/2009

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Atlanta Business Chronicle - Online

Paul Brinkmann

Circuit Judge Don Hafeles ruling limited the South Florida Water Management District to that amount for bonding, even though the district originally requested for authorization to acquire an additional 107,000 acres. The districts witnesses outlined, parcel by parcel, the immediate and future benefits to be gained by the 73,000 acre acquisition, Hafele wrote in his ruling. Among the benefits to be achieved are storage and treatment of water before it is pumped into Lake Okeechobee, additional storage and treatment facilities . In contrast, however, the record is essentially devoid of any information discussing how the remaining 107,000 acres (if acquired) would be utilized. The ruling comes over the objection of sugar rival and the Miccosukee Tribe of Indians of Florida.

The bond is expected to cover the \$536 million cost of land, plus additional fees and costs.

Mike Sole, secretary of the Florida Department of Environmental Protection, and Eric Buermann, chairman of the water management districts governing board, said the state was happy with the ruling. State and district officials said they could not say if bond validation would need to be sought for future purchases of land beyond the 73,000 acres. This allows us to at least make the first step in that plan to restore the Everglades, Buermann said in a press conference. It allows us to move forward. Obviously we would have liked validation of all the bonds, but I think we will be successful there as well. Gov. Charlie Crist announced the original plan to buy all of U.S. Sugars property last summer originally 181,000 acres for \$1.34 billion. But, the economy and political pressure forced the governor and water management district to downsize the plan.

In a news release, the tribe indicated it may appeal the ruling, but claimed a partial victory for itself and the taxpayers by convincing a judge not to validate the full \$2.2 billion in bonds. Dexter Lehtinen, the attorney for the Miccosukees, said the tribe was proud of its challenge to the higher bonding amount. While we are pleased that the court recognized the district had no comprehensive plan, and we saved the taxpayers money, we are disappointed that it did allow \$650 million to purchase 73,000 acres of land when the district has no money to build projects on it, he said in the release. The tribe, whose goal is to save the Everglades, is likely to pursue legal action in the form of a motion for rehearing or an appeal to the Florida Supreme Court. Carol Wehle, executive director of the water management district, said the water managers are very excited about the ruling and the purchase of the first 73,000 acres will mean huge advances in restoration. issued a statement praising Wednesdays ruling. We are very pleased with the court decision today that validates the districts authority to finance the \$650 million needed to complete this critical River of Grass land acquisition so that Everglades restoration can move forward, said Robert Coker, senior vice president of public affairs, in a news release. There was little doubt as to the public benefit of acquiring this land. One major backer of the restoration plan also praised the ruling. Everglades restoration cleared a significant hurdle today, said Kirk Fordham, CEO of the Everglades Foundation. The foundation believes that now is the time for all stakeholders to respect the courts decision and channel efforts to work collaboratively to advance the restoration process. Officials at the water management district planned a press conference Wednesday afternoon to discuss the judges ruling.

US Sugar, Everglades land deal to move forward

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Atlanta Journal-Constitution - Online

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Baltimore Sun - Online

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Bradenton Herald - Online

BRIAN SKOLOFF

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Everglades restoration clears hurdle

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Business Review - Online

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Mike Sole, secretary of the Florida Department of Environmental Protection, and Eric Buermann, chairman of the water management district's governing board, said the state was happy with the ruling. State and district officials said they could not say if bond validation would need to be sought for future purchases of land beyond the 73,000 acres.

"This allows us to at least make the first step in that plan to restore the Everglades," Buermann said in a press conference. "It allows us to move forward. Obviously we would have liked validation of all the bonds, but I think we will be successful there as well."

Gov. Charlie Crist announced the original plan to buy all of U.S. Sugar's property last summer – originally 181,000 acres for \$1.34 billion. But, the economy and political pressure forced the governor and water management district to downsize the plan.

In a news release, the tribe indicated it may appeal the ruling, but "claimed a partial victory for itself and the taxpayers by convincing a judge not to validate the full \$2.2 billion in bonds."

Dexter Lehtinen, the attorney for the Miccosukees, said the tribe was proud of its challenge to the higher bonding amount.

"While we are pleased that the court recognized the district had no comprehensive plan, and we saved the taxpayers money, we are disappointed that it did allow \$650 million to purchase 73,000 acres of land when the district has no money to build projects on it," he said in the release. "The tribe, whose goal is to save the Everglades, is likely to pursue legal action in the form of a motion for rehearing or an appeal to the Florida Supreme Court."

Carol Wehle, executive director of the water management district, said the water managers are "very excited" about the ruling and the purchase of the first 73,000 acres will mean huge advances in restoration.

U.S. Sugar Corp. issued a statement praising Wednesday's ruling.

"We are very pleased with the court decision today that validates the district's authority to finance the \$650 million needed to complete this critical River of Grass land acquisition so that Everglades restoration can move forward," said Robert Coker, senior vice president of public affairs, in a news release. "There was little doubt as to the public benefit of acquiring this land."

One major backer of the restoration plan also praised the ruling.

"Everglades restoration cleared a significant hurdle today," said Kirk Fordham, CEO of the Everglades Foundation. "The foundation believes that now is the time for all stakeholders to respect the court's decision and channel efforts to work collaboratively to advance the restoration process."

Judge oks financing so Fla. can buy US Sugar land

08/26/2009

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Capital Press - Online

BRIAN SKOLOFF

Associated Press

WEST PALM BEACH, Fla. (AP) -- Florida water managers can move ahead with financing plans for a historic \$536 million deal to buy land from U.S. Sugar Corp. for Everglades restoration, a judge ruled Wednesday.

The order allows the South Florida Water Management District, which oversees restoration efforts for the state, to move forward with plans to buy 73,000 acres of farmland from the company to build reservoirs and water treatment marshes intended to clean water and restore natural flow through the Everglades. The deal also leaves open the option for the state to buy more land from the nation's largest cane sugar producer.

Total restoration of the Everglades is estimated to cost billions.

Palm Beach County Circuit Judge Donald Hafele noted in his order that the district proved the proposal has a "valid public purpose."

The wetlands have been damaged after years of dikes, dams and diversions to make way for farms and development, and the region is now polluted with urban runoff and fertilizers.

U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians, who live in the Everglades, had argued the deal was an irresponsible use of taxpayer dollars and could further delay Everglades restoration. They sought to stop financing for bonds the water district wants to issue to pay for the deal.

"I'm obviously excited about the judge's ruling," said Michael Sole, secretary of Florida's Department of Environmental Protection. "Without question, this is going to allow us to move forward with the historic acquisition."

The Miccosukee Tribe said it would likely appeal the ruling to the state Supreme Court. However, the tribe also called it a "partial victory" because the judge did not approve financing of \$2.2 billion the water district was actually seeking. The district wanted approval for the additional funds to give it future flexibility to purchase the additional land.

The case began and ended with the water district seeking approval for financing of \$2.2 billion in bonds since the original plan announced by Gov. Charlie Crist in June 2008 called for a \$1.75 billion purchase of all U.S. Sugar's land and assets in the Everglades.

However, the land deal has changed several times and has since been scaled back because of the economic downturn. The new deal now seeks to buy just the 73,000 acres.

The judge only gave the district authority to move ahead with financing about \$650 million, the amount needed for the 73,000 acres. Still, the water district said it would consider other financing options later if it chooses to purchase the additional property.

The tribe also contends that such a purchase should require a voter referendum.

"Allowing the district to use taxpayer money to pay the debt to buy land now, and then raise taxes to pay for construction on it later, is contrary to the Florida Constitution," tribe attorney Dexter Lehtinen said.

Florida Crystals said it was considering an appeal.

"Everyone says sugar farmers are destroying the Everglades and they don't want restoration," said Florida Crystals Vice President Gaston Cantens. "Nothing could be further from the truth."

Cantens said sugar farmers have spent millions of dollars cleaning up their operations and removing additional pollutants that flow onto their land from the north.

The company also claims this deal will give an unfair business advantage to its competitor, because U.S. Sugar can lease back the land at a nominal rate for a number of years until the water district's restoration projects are under

way.

Regardless, overall Everglades restoration has a long way to go.

In 2000, the estimated cost for a joint deal between the state and federal government to fix the Everglades was about \$7.8 billion. Delays have now ballooned that price tag because of inflation and other factors, putting the cost anywhere from \$12.5 billion to more than \$22 billion.

US Sugar, Everglades land deal to move forward

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Columbia Missourian - Online

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Columbus Ledger-Enquirer - Online

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Daily Sentinel

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Modesto Bee - Online, The

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New York Times - Online

Filed at 4:00 p.m. ET

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Judge oks financing so Florida can buy US Sugar land

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News Press - Online

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US Sugar/Everglades deal to move forward

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Ocala.com

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US Sugar, Everglades land deal to move forward

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Olympian - Online, The

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But ruling limits money for future deals with U.S. Sugar Corp

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Orlando Sentinel - Online

Andy Reid South Florida Sun

3:29 p.m. EDT, August 26, 2009

A Palm Beach County Circuit Court judge today gave the go-ahead to the financing Gov. Charlie Crist needs for the initial half-billion-dollar Everglades restoration land deal he plans with U.S. Sugar Corp.

Judge Donald Hafele, however, struck down the proposal to borrow as much as \$2.2 billion to pay for future land buys from U.S. Sugar and to help pay for construction of reservoirs and treatment areas that the South Florida Water Management District plans to build on U.S. Sugar land.

The ruling allows the district to move forward with its \$536 million plan to buy an initial 73,000 acres from U.S. Sugar. But it also calls into question whether Crist and the district, which leads Everglades restoration, will be able to buy an additional 107,000 acres from U.S. Sugar as proposed.

The judge allowed the district to borrow as much as \$650 million.

"The district has failed to show any purpose with respect to the acquisition of the remaining 107,000 acres," Hafele wrote in his ruling. "A minimal level of specificity is required in order for the court to determine that a valid public purpose exists."

The district plans to use the U.S. Sugar land to build a system of reservoirs and treatment areas that would reconnect water flows from Lake Okeechobee to what remains of the Everglades.

Opponents to the deal, including the Miccosukee Tribe and U.S. Sugar competitor Florida Crystals, argued to Hafele that the deal cost taxpayers too much and warned that it would take money away from other delayed Everglades restoration projects. Hafele determined that the district's plans for "surface water storage and treatment is a valid public purpose."

"Although the defendants allude to questionable motives in this land deal, they have provided not evidence showing that the land deal is primarily a 'bail out' of U.S. Sugar Corporation," Hafele wrote.

The case is expected to be appealed to the Florida Supreme Court.

After getting court approval for the deal, the district still needs to secure financing for the land buy. The deal is now expected to close in 2010.

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

Industries spend millions to lobby state lawmakers

08/26/2009

Orlando Sentinel - Online

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TALLAHASSEE - Phone giants, utilities, tobacco companies and a sugar giant led the charge among industries that spent about \$108.7 million on Florida lobbyists this spring.

State data covering the first six months of the year show those industries spent the heaviest to ply politicians. Their issues were among the highest-profile battles during the Legislature's 60-day spring session.

And the industry appears to be relatively recession-proof: last year, companies, unions and local governments spent \$105.5 million to lobby lawmakers, the governor and state agencies, according to state lobbyist compensation data.

"When you have big issues that you have both political intrigue and other corporate interests opposing you, it is important to be prepared," said Brian Ballard, whose lobbying firm Smith & Ballard is one of the biggest in Tallahassee.

"In 20 years, I have never had a client say we had too many lobbyists, if we were successful. Better to be overprepared than underprepared."

Not surprisingly, the spending often coincided with big political wins.

Telecommunications giant AT&T hired a small army of 70 lobbyists, including some of the biggest names in

Tallahassee, to push through a deregulatory bill called the Consumer Choice and Protection Act that lets land-line companies raise rates up to 10 percent a year with less red tape on add-on services such as call waiting or caller ID.

Although Gov. Charlie Crist initially suggested he would veto the bill, it was amended to his liking, passed and signed into law this summer.

The lobbying team that pulled off the sell cost \$1.6 million, state data show.

"We're very much aware of the situation in Tallahassee," said AT&T Florida spokesman Don Sadler.

"We want to make sure our customers and stockholders are fairly represented. We are out there trying to make our argument in the best way that we can. The governor is extremely active in these types of things."

Telecommunications companies have been among the biggest spenders on lobbyists since lawmakers in 2005 passed a law banning gifts from lobbyists and requiring them to disclose rough ranges for what they are paid.

The \$108.7 million figure tallied by the Orlando Sentinel is not exact; rather it's an average of the payment range that Florida's 2,000-plus lobbyists reported being paid by each client. The firms are only required to disclose what they are paid in \$10,000 ranges: from \$1 to \$9,999, for example.

But the money didn't always buy happiness.

Tobacco giants Altria, the parent company of cigarette maker Phillip Morris, and RJ Reynolds Tobacco Co. spent \$870,000 on lobbyist salaries in their unsuccessful fight against the push to close Florida's budget hole with a \$900 million tax hike on cigarettes and smokeless tobacco.

The tax increase boosted Florida's per-pack tax on cigarettes to \$1.34 – and represented the largest such increase in state history, and a major political showdown.

Besides fighting the tax hike, Big Tobacco also argued that discount tobacco companies that have won a bigger market share in Florida should pay an additional 40 cents per pack into the state's 1997 landmark \$12 billion tobacco settlement.

The biggest: Opa-locka's Dosal Tobacco Corp., which produces 305s, DTC and Romy, and is exempt from paying into the court-ordered settlement.

Because it can sell its products for less than the major manufacturers, Dosal has grown its footprint to 14 percent of the Florida market.

And the company unleashed a fierce fight against Big Tobacco last session, with TV commercials and \$585,000 spent on state lobbyists.

"With a threat this large, year after year, the Dosal family has no choice but to maintain a large team that can protect their employees and save their jobs," said company lobbyist Sarah Bascom.

In the end, the budget plan included a tax increase on cigarettes, but not the increase on Dosal that Big Tobacco wanted. Big tobacco did, however, win a last-minute concession by getting a bill passed limiting their legal exposure in future lawsuits from sick smokers to a total of \$200 million.

Other big spenders had major issues pending in Tallahassee.

U.S. Sugar Corp., trying to assuage legislative angst over its plan to sell off 73,000 acres of farmland in the Everglades to the public for \$536 million, spent \$1.1 million on lobbyists this year.

Florida Power & Light, which this week is trying to make its case before the Public Service Commission for \$1.2 billion in high electricity rates – its first base rate hike in 24 years – poured \$600,000 into its lobbying efforts.

Orlando's Florida Hospital spent \$340,000 in the first-half of the year on lobbyists.

Aaron Deslatte can be reached at 850-222-5564, or at adeslatte@orlandosentinel.com.

Judge Water managers can borrow \$650 million for U.S. Sugar deal

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Palm Beach Post - Online

TONY DORIS

WEST PALM BEACH — The South Florida Water Management District has won circuit court approval to issue \$650 million in bonds to buy 73,000 acres of U.S. Sugar Corp. land to help replumb the Everglades.

Despite legal efforts to stop the district from issuing the bond-like certificates of participation, Judge Donald Hafele ruled today that the project "serves a valid public purpose."

But he allowed less than the district had wanted. The district had requested \$2.2 billion of bonding authority, to purchase 180,000 acres, but the judge held that the district had demonstrated the need only for the 73,000 acres in the district's current proposed deal with U.S. Sugar. He reduced the bond amount accordingly.

The purchase, a key initiative of Gov. Charlie Crist, is intended to enhance water treatment and storage.

US Sugar, Everglades land deal to move forward

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Realty Check

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But U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians had argued the deal was an irresponsible use of taxpayer dollars and could further delay Everglades restoration efforts.

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U.S. Sugar, Everglades land deal to move forward

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Repository - Online, The

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Court State can buy land from U.S. Sugar for Everglades

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Tampa Tribune - Online

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Town Hall

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Tribune - Online, The

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WAND-TV - Online

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Judge approves financing of Florida plan to buy US Sugar land for Everglades restoration

08/26/2009

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Washington Examiner - Online

WEST PALM BEACH, FLORIDA — A Florida judge has ruled that the state can move ahead with a \$536 million plan to buy land from the country's largest cane sugar producer for Everglades restoration.

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WCSC-TV - Online

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US Sugar, Everglades land deal to move forward

08/26/2009

WDRB-TV - Online

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Everglades Restoration Land Purchase Approved

08/26/2009

WFOR-TV - Online

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Reporting

TALLAHASSEE (CBS4) —

A plan to restore the Everglade can move forward, a Palm Beach County judge ruled Wednesday.

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The top videos on CBS4.com

U.S. Sugar/Everglades Deal To Move Forward

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US Sugar, Everglades \$536 million dollar land deal to move forward

08/26/2009

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Judge allows financing plan for Everglades restoration

08/26/2009

St. Petersburg Times - Online

In Print: Thursday, August 27, 2009

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WEST PALM BEACH — Florida water managers can move ahead with financing plans for a historic \$536 million deal to buy land from U.S. Sugar Corp. for Everglades restoration, a judge ruled Wednesday.

The order allows the South Florida Water Management District, which oversees restoration efforts for the state, to move forward with plans to buy 73,000 acres of farmland from the company to build reservoirs and water treatment marshes intended to clean water and restore natural flow through the Everglades. The deal also leaves open the option for the state to buy more land from the nation's largest cane sugar producer. Total restoration is estimated to cost billions.

Palm Beach County Circuit Judge Donald Hafele noted in his order that the district proved the proposal has a "valid public purpose."

The wetlands have been damaged after years of dikes, dams and diversions to make way for farms and development, and the region is now polluted with urban runoff and fertilizers.

U.S. Sugar's main rival, Florida Crystals, and the Miccosukee Indians, who live in the Everglades, had argued the deal was an irresponsible use of taxpayer dollars and could further delay Everglades restoration. They sought to stop financing for bonds the water district wants to issue to pay for the deal.

"I'm obviously excited about the judge's ruling," said Michael Sole, secretary of Florida's Department of Environmental Protection. "Without question, this is going to allow us to move forward with the historic acquisition."

The Miccosukee Tribe said it would likely appeal the ruling to the state Supreme Court. However, the tribe also called it a partial victory because the judge did not approve the amount the water district was seeking.

Florida Crystals said it was considering an appeal.

US Sugar, Everglades land deal to move forward

08/26/2009

Sun Herald - Online, The

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Merced Sun-Star - Online

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Judge OK's bonds to buy U.S. Sugar land, puts spending cap on deal

08/26/2009

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Miami Herald - Online, The

Gov. Charlie Crist's controversial land deal with U.S. Sugar cleared a major legal hurdle Wednesday -- but with a spending cap that could make it difficult for water managers to buy more sugar fields in the future.

Palm Beach County Circuit Judge Donald Hafele approved water managers' plans to use bonds to pay for the \$536 million purchase of 73,000 acres of sugar fields and citrus groves envisioned for Everglades restoration projects.

But the judge set a \$650 million cap on the South Florida Water Management District's plan to issue financial instruments called certificates of participation, citing a debt cap passed this year by the Florida Legislature.

The financing plan is crucial to closing the purchase, but the ruling also could complicate plans to acquire additional acres considered key to storing and cleaning water for the Everglades. The deal also includes an option, which is costing the district \$50 million, to purchase U.S. Sugar's remaining 120,000 acres.

The district had originally been seeking judicial approval to issue up to \$2.2 billion in bonds -- enough to purchase U.S. Sugar's remaining lands.

The Miccosukee Tribe and U.S. Sugar rival Florida Crystals Corp. had challenged the financing plan in court, contending that the agency didn't have the money to build reservoirs and pollution-treatment marshes envisioned for the land and that the purchase would delay Everglades restoration for decades.

