

STORAGE NAME: h3369.ca

DATE: February 11, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3369

RELATING TO: Inland Waterway Management

SPONSOR(S): Representative Gay

COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS
 - (2) ENVIRONMENTAL PROTECTION
 - (3) GENERAL GOVERNMENT APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

House Bill 3369 authorizes the Florida Inland Navigation District (FIND) and the West Coast Inland Navigation District (WCIND) to enter into cooperative agreements with the Federal Government in order to alleviate problems associated with their waterways. In addition, the bill expands the scope of cooperative agreements, with Federal, state, member counties and local governments, to include local and regional anchorage management.

FIND and WCIND are also authorized to enter into cooperative agreements with the United States Army Corp of Engineers for the purposes of a covenant to share in the costs of acquisition, planning, development, construction, reconstruction, extension, improvement, operation and maintenance of projects.

In addition, the bill authorizes FIND and WCIND to enter into ecosystem management agreements with the Department of Environmental Protection.

The bill clarifies that a district may waive the requirement for matching funds on a project from member counties and local governments for the following reasons:

- * Enhancement of public navigation
- * Law enforcement on the waterways
- * Environmental education projects within the district
- * During a state of emergency

The bill authorizes the Florida Department of Environmental Protection to enter into interlocal agreements with FIND and WCIND to provide a supplemental process for issuance of joint coastal permits.

The bill repeals a sunset review for WCIND. In addition, conforming language is provided in two sections within the bill.

The bill's general revenue impacts are \$1,982 of non-recurring funds and \$62,657 of annually recurring funds and one full time professional position for the FDEP.

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II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Florida Inland Navigation District (FIND) was created by the Florida Legislature in 1927 to perform the requirements of a "local sponsor" of the Atlantic Intracoastal Waterway project in Florida. FIND was created as a multi-county special district encompassing eleven east coast counties from Duval County south to Dade County.

The district is governed by a Board of Commissioners appointed by the Governor, one from each county of the district. The District levies an ad valorem tax in the eleven member counties to provide funding for legislatively authorized programs.

The primary mission of FIND is to perform the functions of a "local sponsor" of the Atlantic Intracoastal Waterway project in Florida. In this capacity, FIND provides all lands required for the navigation project, including rights of way and lands for the management of dredged materials removed from the waterway channel during dredging activities.

In 1997 the Legislature codified all of the Special Acts that constituted FIND's authority into s. 374.975-989, Florida Statutes.

The West Coast Inland Navigation District (WCIND) was created by the Florida Legislature in 1947 as a "local sponsor" of the Atlantic Intracoastal Waterway project. WCIND and FIND function in the same manner and have similar responsibilities. WCIND encompasses the four counties of Manatee, Sarasota, Charlotte and Lee.

Currently, both agencies work closely with the Florida Department of Environmental Protection (FDEP). Section 161.055 authorizes FDEP to issue a single permit called a "joint coastal permit" by rule for beach and shore preservation. The "joint coastal permit" is allowed when an activity for which a permit is required also requires an environmental resource permit or a dredge and fill permit under part IV of chapter 373.

Section 403.075, Florida Statutes, identifies Ecosystem Management as a concept that includes coordinating the planning activities of state and other governmental units, land management, environmental permitting and regulatory programs, and voluntary programs together with the needs of the business community, private landowners and the public as partners in a streamlined and effective program for the protection of the environment.

Section 8 of chapter 90-264, Laws of Florida, provides that the West Coast Inland Navigation District will be sunset on October 1, 2000 and reviewed by the Legislature pursuant to section 11.611.

B. EFFECT OF PROPOSED CHANGES:

House Bill 3369 authorizes the Florida Inland Navigation District (FIND) and the West Coast Inland Navigation District (WCIND) to enter into cooperative agreements with the Federal Government in order to alleviate problems associated with their waterways. In addition, the bill expands the scope of cooperative agreements, with Federal, state,

member counties and local governments, to include local and regional anchorage management.

FIND and WCIND are also authorized to enter into cooperative agreements with the United States Army Corp of Engineers for the purposes of a covenant to share in the costs of acquisition, planning, development, construction, reconstruction, extension, improvement, operation and maintenance of projects.

In addition, the bill authorizes FIND and WCIND to enter into ecosystem management agreements with the Department of Environmental Protection.

The bill clarifies that a district may waive the requirement for matching funds on a project from member counties and local governments for the following reasons:

- * Enhancement of public navigation
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The bill repeals a sunset review for WCIND. In addition, conforming language is provided in two sections within the bill.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, according to the FDEP the interlocal agreements require an addition of one position for the reviewing and processing additional permit applications created by the bill.

(3) any entitlement to a government service or benefit

Yes, Section 1 of the bill allows FIND and WCIND to obtain partial funding for projects within the districts from the United States Army Corp of Engineers.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 374.976, Florida Statutes; section 374.976(5) Florida Statutes as amended by chapter 96-320, Laws of Florida; section 403.061, Florida Statutes; section 311.105, Florida Statutes; and Section 8 of chapter 90-264, Laws of Florida, are affected.

E. SECTION-BY-SECTION RESEARCH:

SECTION 1. Subsections (1) (c) and (e), and (3) of section 374.976 Florida Statutes, as amended by chapter 96-425, Laws of Florida, are amended to allow FIND or WCIND to cooperate with federal, state and local government on anchorage management programs. In addition, FIND and WCIND are authorized to enter into ecosystem management agreements with FDEP. Newly inserted language in subsection (3) clarifies when FIND and WCIND may waive the requirement for matching funds for district programs from member counties and local governments within the district.

SECTION 2. Subsection (5) of section 374.976, Florida Statutes, as amended by chapter 96-320, Laws of Florida, is repealed. This is a conforming change which replaces the language in subsection (5) with more preferable language from the history note section.

SECTION 3. Subsection (39) is added to section 403.061, Florida Statutes. This section authorizes the Department of Environmental Protection to enter into interlocal agreements, pursuant to chapter 163, Florida Statutes, with FIND and WCIND as a supplemental process for issuing joint coastal permits or environmental resource permits.

SECTION 4. Amends subsections (2), (3), and (6) of section 311.105, Florida Statutes, to conform cross-references.

SECTION 5. Section 8 of chapter 90-264, Laws of Florida, is repealed. This a special act which repeals the WCIND sunset review.

SECTION 6. This act shall take effect upon becoming a law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

FDEP estimates the non-recurring effects at \$1,982.

2. Recurring Effects:

FDEP estimates the recurring effects at \$62,657 annually.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

See B. 2.

2. Recurring Effects:

According to FDEP, to the extent that the districts take advantage of the joint permitting process created, there will be some increased efficiencies associated with long term planning and permitting for the management of inland waterways.

3. Long Run Effects Other Than Normal Growth:

See B. 2.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

According to FDEP, interlocal agreements between FDEP and the inland navigation districts will require the addition of one professional position for the review and processing of the additional permit application workload created by the bill.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that local governments have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of state tax shared with local governments.

V. COMMENTS:

The Florida Department of Environmental Protection was contacted for comments relating to House Bill 3369. They support the entire bill in concept, but recommended two changes which are; 1) Include "beach nourishment projects" in the agreement between the Federal Government and the inland navigation districts; and 2) revise the language relating to the interlocal agreements between FDEP and the inland navigation districts to allow for memorandums of agreement which mirror current statutory language relating to the Florida Ports Council.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The sponsor agrees to two amendments to the bill. The amendments provide: 1) Inclusion of "beach nourishment projects" as one of the activities in the agreement between the Federal Government and the inland navigation districts; and 2) a revision of the language to allow for memorandums of agreement which is current statutory language for the Florida Ports Council.

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VII. SIGNATURES:

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