

STORAGE NAME: h3369s1.ep

DATE: March 12, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
ENVIRONMENTAL PROTECTION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3369

RELATING TO: Inland Waterway Management

SPONSOR(S): Committee on Community Affairs and Representative Gay

COMPANION BILL(S): SB 1256(s) by Senator Harris

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

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
- (2) ENVIRONMENTAL PROTECTION
- (3) GENERAL GOVERNMENT APPROPRIATIONS
- (4)
- (5)

I. SUMMARY:

CS/HB 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 and beach nourishment projects.

FIND and WCIND are also authorized to enter into cooperative agreements with the United States Army Corps 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 (department). It also authorizes the department to enter into a memorandum of agreement with FIND and WCIND to provide a supplemental process for issuance of joint coastal permits.

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 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 department.

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. In its capacity as a "local sponsor" of the Atlantic Intracoastal Waterway project in Florida, 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. 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. In 1997 the Legislature codified all of the Special Acts that constituted FIND's authority into s. 374.975-989, Florida Statutes (F.S.).

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.

Both FIND and WCIND work closely with the department. Section 161.055, F.S. authorizes the department 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, F.S., 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, 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 s. 11.611, F.S.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 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 and beach nourishment projects.

FIND and WCIND are also authorized to enter into cooperative agreements with the United States Army Corps 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.

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 department to enter into a memorandum of agreement 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.

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 department, administering a memorandum of agreement with the inland navigation districts requires an addition of one position for the reviewing and processing of additional permit applications created by the bill.

(3) any entitlement to a government service or benefit?

Yes, CS/HB 3369 allows FIND and WCIND to obtain partial funding for projects within the districts from the United States Army Corps 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?

Not applicable.

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

Not applicable.

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

Not applicable.

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?

No.

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?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

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

Not applicable.

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

Not applicable.

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

No.

- 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?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. STATUTE(S) AFFECTED:

Sections 374.976; 374.976(5), as amended by chapter 96-320, Laws of Florida; 403.061, 311.105, F.S., and Section 8, Chapter 90-264, Laws of Florida.

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 and beach nourishment projects. In addition, FIND and WCIND are authorized to enter into ecosystem management agreements with the Department. 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 a memorandum of agreement, 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:

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

2. Recurring Effects:

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

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

See 1. and 2.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

According to the department, 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:

None.

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 the department, interlocal agreements between the department and the inland navigation districts 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 does not object to the committee substitute.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The House Committee on Community Affairs adopted a committee substitute on March 5, 1998. The committee substitute differs from the bill as introduced as follows:

- Includes beach nourishment projects as a subject for agreements between the Federal Government and the inland navigation districts; and
- Provides that the department and the inland navigation districts may enter into a memorandum of agreement, rather than interlocal agreements, to provide a supplemental process for issuance of joint coastal permits.

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VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Lisa C. Cervenka

Joan Highsmith-Smith

AS REVISED BY THE COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Legislative Research Director:

W. Ray Scott

Wayne S. Kiger