

STORAGE NAME: h3807s1.wrm

DATE: March 25, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
WATER AND RESOURCE MANAGEMENT
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3807

RELATING TO: The Miami River

SPONSOR(S): Representative Barreiro

COMPANION BILL(S): SB 1368 (s)

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

- (1) WATER AND RESOURCE MANAGEMENT YEAS 11 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

CS/HB 3807 establishes the Miami River Commission (MRC) to serve as the official clearinghouse for all public policy and projects relating to the Miami River. In Specific Appropriation 1196, the Florida Legislature created the Miami River Study Commission to "conduct a comprehensive study and review of the restoration and enhancement of the Miami River and Biscayne Bay." Out of that study came several recommendations. One of those recommendations is to form the MRC. The existence of such a commission would solve some of the problems caused by having at least 36 different agencies charged with responsibilities concerning the river.

This bill will not affect or supersede the regulatory authority of any governmental agency or any local government, and any responsibilities of any governmental entity relating to the Miami River will stay with such entity. However, any governmental entity may delegate specifically defined authority to the MRC, and the MRC may accept that authority.

Additionally, CS/HB 3807 provides specific information pertaining to the membership of the MRC as well as its powers and duties.

This act shall take effect upon becoming a law.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The Miami River is a river of historical, commercial, environmental and aesthetic significance. It flows through downtown, historic neighborhoods, public parks and a wide variety of commercial activity. There are 32 privately owned shipping terminals along the Miami River. As the fifth largest seaport in Florida, it handled about \$4 billion in cargo in 1997. Because trade with the Caribbean and Central and South America is projected to increase at a steady rate and the location of the Miami River is ideal for capturing that portion of trade originating in ports such as Caredenas, Mariel, Isabela, and Trinidad, Miami could benefit from increased trade and with that rising numbers of jobs. The Miami River also is the largest tributary to Biscayne Bay, and thus threatens the ecosystem of the bay by carrying high concentrations of pollutants.

At least 36 different agencies, in four different levels of government (federal, state, county, and municipal) have some jurisdiction over the Miami River. The lack of unification results in management obstacles. In 1991, the Dade County Grand Jury conducted a study of the Miami River which focused on governance and accountability, sources of pollution, and dredging of the Miami River. The Grand Jury recommended that the entire operational and environmental integrity of the river be addressed. In its conclusion, the Grand Jury stated "...more aggressive action needs to be taken. Action, not more studying of the river's problems, needs to occur today. The Miami River needs its priority status increased at all levels within the public and private sector."

In 1997, the Florida Legislature created the Miami River Study Commission to "conduct a comprehensive study and review of the restoration and enhancement of the Miami River and Biscayne Bay." Once again, the recommendations called for specific actions. One of those recommendations is for the creation of the MRC.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 3807 establishes the Miami River Commission (MRC) to serve as the official clearinghouse for all public policy and projects relating to the Miami River to unite all governmental agencies, businesses, and residents in the area to speak with one voice on river issues. This bill will not affect or supersede the regulatory authority of any governmental agency or any local government and any responsibilities of any governmental entity relating to the Miami River will stay with such entity. However, any governmental entity may delegate specifically defined authority to the MRC, and the MRC may accept that authority. The MRC is authorized to seek and receive funding to implement river improvement projects of the MRC.

The MRC will have a managing director who has the responsibility to implement plans and programs and a working group consisting of all governmental agencies that have jurisdiction in the Miami River area, as well as representatives from business and civic associations. There also will be a policy committee comprised of the Governor, the chair of the Dade County legislative delegation, the chair of the governing board of the South Florida Water Management District, the Miami-Dade County State Attorney, the Mayor of Miami, the Mayor of Miami-Dade County, a commissioner of the City of Miami Commission, a commissioner of the Miami-Dade County Commission, the chair of the Miami River Marine Group, the chair of the Marine Council, the Executive Director of the

Downtown Development Authority, and the chair of the Greater Miami Chamber of Commerce; two representatives, selected from the Spring Garden Neighborhood Association, the Grove Park Neighborhood Association, and the Miami River Neighborhood Enhancement Corporation, one appointed by the city commission and one appointed by the county commission, selected from a list of three names submitted by each such organization; one representative from an environmental or civic association, appointed by the Governor; and three members-at-large, who shall be persons who have a demonstrated history of involvement on the Miami River through business, residence, or volunteer activity, one appointed by the Governor, one appointed by the city commission, and one appointed by the county commission. All members shall be voting members.

The policy committee is to also include a member of the United States Congressional delegation and the Captain of the Port of Miami as a representative of the United States Coast Guard, as nonvoting, ex-officio members. The policy committee is to have specific powers and duties, including, but not limited to:

Consolidating existing programs into a coordinated strategic plan for the improvement of the Miami River, addressing environmental, economic, social, recreational, and aesthetic issues. The committee is to monitor and regularly revise the plan.

Preparing an integrated financial plan to be modeled after the South Florida Ecosystem Restoration Working Group.

Providing technical assistance and political support for implementing each element of the strategic and financial plans.

Accepting any specifically defined authority delegated to the committee by any level of government.

Publicizing a semiannual report.

Through these duties, the committee will serve to unite all the different governmental agencies, businesses and residents in the area and will provide a leader in Miami River projects.

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?

N/A

STORAGE NAME: h3807s1.wrm

DATE: March 25, 1998

PAGE 4

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

N/A

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

N/A

- 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?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

- 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?

N/A

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

N/A

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:

N/A

E. SECTION-BY-SECTION RESEARCH:

Section 1: Creates the Miami River Commission. Provides for a policy committee, a managing director, and a working group. Specifies membership of the committee and provides powers and duties of the committee.

Section 2: Provides that the 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:

None

2. Recurring Effects:

Future requests may be made to the Legislature for funding the commission's operations.

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:

None

2. Recurring Effects:

None

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:

None

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to an analysis of CS/HB 3807 because the bill does not require cities or counties to expend funds, or to take actions which require the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of local governments.

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

This bill does not reduce the state tax shared with counties and municipalities.

V. COMMENTS:

Some concerns about whether serving on the MRC would constitute the holding of a public office under Florida law have been raised by House Bill Drafting. Article II, Section 5, of the Florida Constitution prohibits any person from holding more than one public office at a time. Many of the proposed members of the MRC would be in violation of the dual office holding prohibition if service on the MRC is, in fact, the holding of a public office.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 19, 1998, members of the House Committee on Water and Resource Management unanimously approved HB 3807 as a C/S. In voting to approve CS/HB 3807, the Committee members also adopted two amendments to the bill. Representative Barreiro offered the first amendment, which was a technical amendment to correct a typographical error in the bill. The second amendment removed Section 2, the appropriation section, from the bill.

VII. SIGNATURES:

COMMITTEE ON WATER AND RESOURCE MANAGEMENT:

Prepared by:

Legislative Research Director:

Sarah J. Hodges

Joyce Pugh

STORAGE NAME: h3807s1.wrm

DATE: March 25, 1998

PAGE 9