

**STORAGE NAME:** h0057.wrm

**DATE:** January 21, 1997

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

**BILL #:** HB 57

**RELATING TO:** Environmental Protection

**SPONSOR(S):** Representative Ball

**STATUTE(S) AFFECTED:** Section 403.813, Florida Statutes

**COMPANION BILL(S):** SB 26(s)

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

- (1) WATER & RESOURCE MANAGEMENT
  - (2)
  - (3)
  - (4)
  - (5)
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**I. SUMMARY:**

HB 57 would exempt, under certain conditions, maintenance dredging of previously dredged portions of natural waterbodies from those activities which require environmental resource permits (ERPs). To be eligible for the exemption, the proposed dredging activity must be within approved rights-of-way or drainage easements; be in compliance with the Department of Environmental Protection's (DEP) guidelines for manatee protection; must not impact previously undisturbed natural areas; and utilize best management practices to reduce erosion, turbidity and discharge.

DEP determined that the fiscal impact of HB 57 would be minimal.

The bill would take effect October 1, 1997.

## II. SUBSTANTIVE ANALYSIS:

### A. PRESENT SITUATION:

Section 403.813, Florida Statutes (F.S.), lists a number of projects and activities that are exempt from needing an environmental resource permit (ERP), which allows the dredging of wetlands or surface waters. Among those exempted activities is maintenance dredging of existing manmade canals, channels, and intake and discharge structures, as long as the dredged material is deposited on a self-contained, upland site to prevent its runoff into adjacent waters. The exemption applies to all canals constructed prior to April 3, 1970, and to those canals constructed after that date pursuant to state permits.

The current exemption language does not mention natural waterbodies, even those which have been dredged. The rationale for not including natural waterbodies was that some extensively dredged rivers and streams have retained their original meanders and adjacent flood plains, and thus still operate as natural systems.

Over the years, confusion has arisen over whether natural waterbodies that had been dredged for decades and had lost many of their natural attributes qualify for the exemption. This confusion has led to delays in local governments obtaining the necessary permits, or finding out after such delays that no permit was needed in order to dredge. All the while, these delays exacerbated flooding conditions in neighborhoods, in business districts and along roadways. In addition, some local governments have dredged waterways which they thought were covered under the exemption, only to learn they were subject to an enforcement action for illegal dredging.

The sponsor of HB 57 filed similar legislation in 1996 to clarify when an ERP exemption was available to local governments for dredging a natural waterbody. DEP staff helped draft amendments to the 1996 bill that alleviated agency concerns related to water quality and manatee protection. The 1996 bill passed the House, but never was considered by the Senate. HB 57 is identical to the final 1996 version.

### B. EFFECT OF PROPOSED CHANGES:

HB 57 specifies that previously dredged portions of natural waterbodies, within recorded rights-of-way or drainage easements, are eligible for the ERP exemption. The maintenance dredging must not impact previously undisturbed natural areas; utilize best management practices to reduce erosion, turbidity and discharge; and be done within existing design configurations. Also, the dredging must be conducted in accordance with DEP's guidelines for manatee protection, which include better operation and design of water control structures to reduce animal mortality.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

In exempting local governments from needing an environmental resource permit before maintenance dredging of applicable waterbodies, HB 57 reduces DEP and water management district involvement in a local government activity.

2. Lower taxes:

HB 57 saves local governments money that they otherwise would have to pay in permit fees to the water management districts or DEP in order to obtain permission to dredge allowable waterbodies.

3. Personal Responsibility:

Not applicable.

4. Individual Freedom:

Not applicable.

5. Family Empowerment:

Not applicable.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 403.813, F.S., to add a maintenance dredging exemption for previously dredged waterbodies within recorded rights-of-way or drainage easements. Establishes conditions under which these waterbodies can be dredged without a permit.

Section 2: Provides an effective date of October 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Minimal. DEP predicts the exemption will affect few local governments, so the loss of revenue from permit fees will be insignificant.

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:

Local governments may realize a cost savings if they are not required to obtain permits to perform maintenance dredging on natural waterbodies that are within approved rights-of-way or drainage easements.

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 HB 57 because the bill does not require counties or municipalities to spend funds or to take actions requiring expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

Not applicable.

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

Not applicable.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

Legislative Research Director:

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Joyce Pugh

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