

STORAGE NAME: h1805z.wrm

DATE: May 5, 1999

****FINAL ACTION****

****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
WATER & RESOURCE MANAGEMENT
FINAL ANALYSIS**

BILL #: HB 1805

RELATING TO: Florida Heritage River Commission

SPONSOR(S): Representative Albright

COMPANION BILL(S): SB 2322 (s) by Senator Kirkpatrick

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

- (1) WATER & RESOURCE MANAGEMENT
- (2) ENVIRONMENTAL PROTECTION
- (3) GOVERNMENTAL OPERATIONS
- (4) GENERAL GOVERNMENT APPROPRIATIONS
- (5)

I. FINAL ACTION STATUS:

HB 1805 was noticed for hearing by the Water & Resource Management Committee on April 6, 1999 and was temporarily passed at the request of the sponsor. Although the bill was re-noticed to be heard on April 12, 1999, the meeting was canceled and HB 1805 died in committee.

II. SUMMARY:

HB 1805 creates section 373.027, Florida Statutes, to create the Florida Heritage River Commission with the purpose of coordinating the efforts of state, regional, and local government with the American Heritage Rivers Program and the applicable federal agencies responsible for assisting in the implementation of the program. The bill creates objectives for the commission, and provides for the makeup of the commission, including the appointment of certain members by the Governor, the Speaker of the House, and the President of the Senate.

HB 1805 would take effect upon becoming a law.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The "American Heritage Rivers" designation provides special recognition and is granted to outstanding stretches of rivers under the American Heritage Rivers Program, announced by President Clinton in 1997. Rivers receiving the designation benefit through assistance in the form of refocused programs, grants, and technical assistance from existing federal resources. The American Heritage Rivers Program is designed to support community-based efforts to restore and protect the environmental, economic, cultural and historic value of the designated rivers. Under the program, a federal employee is named as a river navigator to assist in the implementation of the program.

The St. Johns River, which runs from the south starting in Indian River County, to north and east, flowing into the Atlantic Ocean at Mayport, outside of Jacksonville, was designated as an American Heritage River in July of 1998, pursuant to an Executive Order of the President of the United States.

B. EFFECT OF PROPOSED CHANGES:

HB 1805 would:

- o Create section 373.027, Florida Statutes, to create the Florida Heritage River Commission.
- o Establish the objectives of the commission.
- o Provide that the Department of Environmental Protection shall serve as the overall coordinator for state action.
- o Provide that the water management district having jurisdiction shall assist in the coordination effort, including providing support staff.
- o Provide for the composition of the commission, including the appointment of certain members by the Governor, the Speaker of the House and the President of the Senate.
- o Provide that the commission will ensure local and state input and direction to the American Heritage Rivers Program.
- o Provide that the commission shall act with due regard for the protection of private property rights as provided by the United States Constitution and the Florida Constitution.
- o Provide that no new regulatory authority is created as a result of the establishment of the commission.
- o Provide that the commission has no standing or authority to sue or intervene in state or federal court.
- o Provide that the commission shall monitor the progress of the American Heritage Rivers Program and its implementation in regard to the St. Johns River.
- o Provide, to the extent authorized by law, sources of financial and technical support for communities adjacent to the St. Johns River.
- o Provide that the commission shall identify local, state, and federally-owned property and installations along the river, and ways and means of using that property, to improve river conservation and public enjoyment and access to resources in and adjacent to the river.

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. The commission is specifically prohibited from interfering with matters of state, regional, or local government jurisdiction.

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

Yes. The bill provides that Department of Environmental Protection shall serve as the overall coordinator for state action with regard to the American Heritage Rivers Program. The bill also provides that the water management district having jurisdiction shall assist in the coordination effort with DEP, and shall provide staff to assist the commission in coordinating state actions with respect to the American Heritage Rivers Program.

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

No.

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?

None.

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

None.

(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?
No.

4. Individual Freedom:

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

Yes. The bill provides that the commission shall solicit and receive input and information from specified concerns, both public and private, who have an interest in the St. Johns River.
- 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:

The bill creates section 373.027, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates section 373.027, to create the Florida Heritage River Commission. Provides that the Commission will coordinate the efforts of the state, regional, and local government with the American Heritage Rivers Program and the applicable federal agencies responsible for assisting in the implementation of the program. Provides that the objectives of the commission are natural resource and environmental protection; economic preservation, development, and revitalization; and historic and cultural preservation.

Provides that the Department of Environmental Protection shall serve as the overall coordinator for state action. Provides that the water management district with jurisdiction shall also assist in the coordination effort, including providing staff.

Provides that the commission shall be composed of the Secretary of the Department of Environmental Protection, the executive director of the applicable water management district having jurisdiction, the Secretary of State, a representative of Enterprise Florida, Inc., and a local government representative from each county bordering the St. Johns River, to be designated by a majority of the board of county commissioners. The Governor, the Senate President, and the House Speaker may each appoint one member.

Provides that the commission shall:

- o Ensure local and state input and direction to the American Heritage Rivers Program.
- o Act with due regard for the protection of private property rights.
- o Have no regulatory authority.
- o Have no standing or authority to sue or intervene in state or federal court.
- o Not interfere with matters of state, regional, or local government jurisdiction.
- o Monitor the progress of the American Heritage Rivers Program and its implementation in regard to the St. Johns River.
- o Identify existing programs of state, regional, local governments, and federal agencies, to provide assistance to communities along the river.
- o Provide, to the extent authorized by law, sources of financial and technical support for communities adjacent to the St. Johns River.
- o Promote local community-based efforts to improve communities along the river.
- o Solicit and receive input and information from military, business, industry, agriculture, manufacturing, marinas, ports, shipbuilding, power plants and utilities, both public and private, who have an interest in the St. Johns River.
- o Communicate collected information to the river navigator and various state, local, and federal government agencies and officials.
- o Monitor and report the navigator's response and action to the information provided.

- o Improve commercial and sports fishing, boating, and other recreational-based activities along the river.
- o Identify local, state and federally-owned properties along the river, and ways and means of using the property to improve river conservation and public enjoyment and access to resources in and adjacent to the river.
- o Coordinate with the river navigator, as the designated federal coordinator, in ensuring the purposes of this section and the American Heritage Rivers Program are carried out to the benefit of the citizens of the state and communities along the St. Johns River.

Section 2: Provides that the bill will take effect upon becoming law.

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The costs to the Department of Environmental Protection for coordination of the statewide effort, and the costs to the water management district assisting in the coordination, should be minimal.

3. Long Run Effects Other Than Normal Growth:

Indeterminate at this time.

4. Total Revenues and Expenditures:

Indeterminate at this time. The commission is charged with the responsibility of providing sources of financial and technical support for communities adjacent to the St. Johns River.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Indeterminate at this time. Local communities adjacent to the St. Johns River may receive some financial assistance as the commission is directed to provide sources of financial support for those communities.

3. Long Run Effects Other Than Normal Growth:

Indeterminate at this time.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

4. Direct Private Sector Costs:

None.

5. Direct Private Sector Benefits:

The commission is directed to improve commercial and sports fishing, boating, and other recreational-based activities along the river. The commission is also directed to find ways and means of using identified properties along the river to improve public enjoyment of and access to resources in and adjacent to the river.

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

Indeterminate at this time.

C. **FISCAL COMMENTS:**

Economic preservation, development, and revitalization of the communities along the river is one of the objectives of the commission. The commission is directed to identify state, local, regional, and federal agencies to provide assistance to those communities in achieving that objective. The commission also is directed to provide sources of financial and technical support to communities adjacent to the river. As a consequence of these directives, local and regional governments may expect to see some positive fiscal impact as a result of this program.

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

A. **APPLICABILITY OF THE MANDATES PROVISION:**

The mandates provision is not applicable to HB 1805 because it does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

HB 1805 does not reduce the revenue-raising authority of counties or municipalities.

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

HB 1805 does not reduce the state tax revenues shared with counties or municipalities.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

Staff Director:

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON WATER & RESOURCE MANAGEMENT:

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