

STORAGE NAME: h2259z.ep
DATE: June 16, 1999

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

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ENVIRONMENTAL PROTECTION
FINAL ANALYSIS**

BILL #: HB 2259/PCB EP 99-02 (similar provisions passed in CS/CS/SB 908, which became law as Chapter 99-247, Laws of Florida)
RELATING TO: Invasive plant management and environmental restoration
SPONSOR(S): Committee on Environmental Protection and Representative Dockery
COMPANION BILL(S): CS/CS/SB 908 by Fiscal Policy; Natural Resources; and Senator Latvala and others

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) ENVIRONMENTAL PROTECTION YEAS 13 NAYS 0
(2) GENERAL GOVERNMENT APPROPRIATIONS
(3)
(4)
(5)

I. FINAL ACTION STATUS:

On April 14, 1999, the Committee of Environmental Protection considered PCB EP 99-02, which it reported favorably. It was subsequently introduced as HB 2259, and on April 21, 1999, it was referred to the Committee on General Government Appropriations, where it remained until the conclusion of the 1998 regular session and died. However, provisions similar to section 1 and 3 of this bill were incorporated into CS/CS/SB 908, which passed the Legislature and became Chapter 99-247, Laws of Florida.

II. SUMMARY:

The bill amends provisions of law concerning the distribution of documentary stamp tax revenues; the use of funds within the Aquatic Plant Control Trust Fund; and the "Florida Nonindigenous Aquatic Plant Control Act." In addition to technical changes made, provisions of the bill would:

- Reduce from 5.84% to 4.20% the distribution of funds to both the Conservation and Recreation Lands Trust Fund (CARL) and the Water Management Lands Trust Fund. In addition, these trust funds could no longer be used for acquisition purposes.
- Provide 2.28% for the Aquatic Plant Control Trust Fund. These funds are to be used to implement the state's invasive plant control programs. In addition, 20% of the funds are direct towards the control of upland invasive plant control efforts on public land.
- Provide 0.05% to the State Game Trust Fund. These funds are to implement the Lake Restoration 2020 Program.
- Provide 0.05% to be split evenly between the Department of Environmental Protection Grants and Donations Trust Fund and Department of Agriculture and Consumer Services General Inspection Trust Fund. These funds are to be used to address water quality impacts.
- Amend the "Florida Nonindigenous Aquatic Plant Control Act" to:
 - include water management districts with the state as being responsible for control of the plants in intercounty waters;
 - direct what conditions shall be met prior to any disbursement of funds by the department for control efforts;
 - require water management districts, for fiscal year 1999-2000, to match state expenditures for control programs on intercounty waters; and
 - require the state, beginning in fiscal year 2000-2001, to give a higher priority to control efforts that have financial partners, however; the Department of Environmental Protection (DEP) may balance the need for financial assistance with the environmental necessity of the project.

The bill would take effect on July 1, 2000, except for the provisions relating to the Aquatic Plant Control Act, which would take effect July 1, 1999.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Bureau of Invasive Plant Management, within the DEP's Division of State Lands, is the lead agency in Florida responsible for coordinating two statewide programs dealing with the problem of invasive aquatic and upland plants on state lands.

Aquatic Plant Management Program

This program designs, funds, coordinates, and implements invasive exotic plant control efforts in Florida's 1.25 million acres of public waters. Invasive exotic plants, mostly hydrilla, water hyacinth, and water lettuce, are managed in about 325 of the 450 water bodies with public access. To carry out their responsibilities the bureau contracts with federal, state, and local governments, as well as private companies to suppress invasive plant growth. In the recent past, funding has fluctuated from \$9 million in fiscal year 1994-95 to \$19.6 million in fiscal year 1997-98. There is general agreement that annual funding needs are approximately \$20 to \$22 million.

Annual funding for the program has historically come from the following sources: Army Corps of Engineers; Boat Registrations; and Gas Tax. In recent years, these funds have been supplemented with transfers from the Solid Waste Management Trust Fund.

Previous efforts to establish consistent, recurring program funding have failed. These initiative have included: (a) a tax on the sale of aquatic plants; (b) the imposition of permit fees; (c) an increase in boat registration fees; (d) an increase in boat trailer registration fees; (e) use of tourist development taxes; and (f) increased use of the state/local gas tax.

Upland Invasive Exotic Plant Removal Program

This newly created program has been established to address the need for a statewide coordinated approach to the upland invasive exotic plant problem. To date, various local, state, and federal agencies in Florida have addressed the upland exotic plant problem with the development of management plans, applied research and public education programs. The program incorporates ecosystem management concepts involving "place-based management," bringing together regionally diverse interests to develop flexible, innovative strategies to address upland invasive exotic plant management issues. This program has been funded with an annual \$1 million appropriation from the CARL Trust Fund.

B. EFFECT OF PROPOSED CHANGES:

The bill has three distinct provisions.

Section One amends s. 201.15, F.S., effective July 1, 2000, which directs how documentary stamp tax proceeds are to be distributed. Specifically the bill:

- Reduces from 5.84% to 4.20% the allocations directed to both the Conservation and Recreation Lands Trust Fund and the Water Management District Lands Trust Fund. Based on recent Revenue Estimating Conference projections this would be a decline from \$64.5m to \$46.4m for fiscal year 2000-01.
- Creates a provision directing 2.28% to the Aquatic Plant Control Trust Fund. For fiscal year 2000-01 this would represent \$25.2m.
- Creates a provision directing 0.05% to the State Game Trust Fund for the implementation of the Lake Restoration 2020 Program. For fiscal year 2000-01 this would represent \$5.5m.
- Creates a provision directing 0.05% to be divided equally between the Department of Environmental Protection Grants and Donations Trust Fund and the Department of Agriculture and Consumer Services General Inspection Trust Fund. For fiscal year 2000-01 this would represent \$2.75m for each fund. These funds would be used address water quality impacts associated with nonagricultural nonpoint sources and agricultural nonpoint sources. Specific uses would be research, development, demonstration, and

implementation of best management practices or other measures need to achieve water quality standards in surface waters and water segments identified in the federal Clean Water Act (704 of which are in Florida).

- A new provision is added that prohibits the use of funds deposited into the CARL Trust Fund and the Water Management Lands Trust Fund for acquisition purposes. The Department of Environmental Protection is directed to review and make recommendations concerning this provision prior to the 2005 Regular Session of the Legislature. Based on these recommendations the Legislature is to determine the need to repeal this prohibition.

Section Two of the bill amends s. 369.22, F.S., commonly referred to as the "Florida Nonindigenous Aquatic Plant Control Act." Specific changes made to the act would:

- Amend legislative intent to remove provisions which applied the act to only those "waters of state responsibility." These provisions were expanded to state that it shall be the state policy to control Nonindigenous aquatic plants in both intercounty and intracounty waters and that the water management districts shall share in the responsibility.
- Exempt the department from performing its duties to guide, review, approve, and coordinate the activities of all parties engaged in operations to maintain, control, or eradicate nonindigenous aquatic plants, when the project uses only local funds and is sited in a intracounty water body.
- Create two sets of requirements that shall be met prior to the department disbursing funds. For intracounty waters: that the applicable authority has the funds to match the state; that proper control techniques will be used; and that the program is in compliance with the state plan. For intercounty waters: that an agreement between the department and district exists; that the control techniques are approved by the department; and that the program is in compliance with the state plan.
- Clarify that the cost accounting required within the annual report will report on any expenditures made in intercounty waters.
- Create a provision that directs the water management districts, for fiscal year 1999-2000 only, to match state expenditures in intercounty waters, on a dollar-for-dollar basis. Appropriations staff estimate that this will cost the districts between \$11 and \$15 million. The final figure is dependent upon the final appropriations act.
- Create a provision, beginning in fiscal year 2000-2001, directing the department to give priority to those projects that have financial participation by a district, special district, or other local authority. However, the department is given the latitude to balance projects of environmental importance against those with financial matches.

Section Three of the bill directs that 20% of the funds deposited into the Aquatic Plant Control Trust Fund pursuant to the provisions of Section One of the bill shall be used for the purpose of controlling nonnative, upland, invasive plant species on public lands. This provision will become effective on July 1, 2000.

Additional sections of the bill amend statutory cross references to conform them to changes made in the documentary stamp tax statutes.

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

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

The water management districts will be required to match state expenditures on a dollar-for-dollar basis for fiscal year 1999-2000.

- (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:

Amends Sections 201.15, 369.22, and 369.252, Florida Statutes

E. SECTION-BY-SECTION ANALYSIS:

See Effect of Proposed Changes Section

IV. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

For fiscal year 1999-2000, the water management districts will be required to match state expenditures on a dollar-for-dollar basis. Appropriations staff indicate that this figure will be between \$11 and \$15 million dollars. The final figure is dependent upon the General Appropriations Act.

2. Recurring Effects:

Documentary Stamp Tax revenues are to be distributed as follows beginning July 1, 2000:

\$46.4 million (4.20%)	Conservation and Recreation Lands Trust Fund
\$46.4 million (4.20%)	Water Management Lands Trust Fund
\$25.2 million (2.28%)	Aquatic Plant Control Trust Fund
\$ 5.5 million (0.05%)	State Game Trust Fund
\$ 5.5 million (0.05%)	Divided equally between DEP Grants and Donations Trust Fund and DACS General Inspection Trust Fund

These figures are based upon estimated documentary stamp tax collections for fiscal year 2000-2001 as provided by the revenue estimating conference.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

See 1. and 2. above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

VI. COMMENTS:

N/A

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VIII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

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FINAL ANALYSIS PREPARED BY THE COMMITTEE ON ENVIRONMENTAL PROTECTION:

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