

STORAGE NAME: h1101b.tr

DATE: March 14, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: House Bill 1101

RELATING TO: Environmental Mitigation/DOT

SPONSOR(S): Rep. Posey

TIED BILL(S): N/A

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

- (1) TRANSPORTATION YEAS 10 NAYS 0
 - (2) GENERAL GOVERNMENT APPROPRIATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

Current law provides a statutorily mandated price of \$75,000 cost per acre that the Department of Transportation (DOT) pays for wetlands mitigation as part of a joint program with the Department of Environmental Protection. The bill provides that this amount is not an admission of the fair market value of property acquired, and the amount is not admissible as evidence of full compensation for any property acquired by the state or its subdivisions through eminent domain or inverse condemnation.

The bill does not have a fiscal impact to the state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Department of Transportation submits annually to the Department of Environmental Protection and the water management districts a copy of the adopted work program and an inventory of wetlands and habitats which may be impacted by transportation projects in the next three years of the tentative work program.

Section 373.4137, F.S., requires the Department of Transportation to identify and maintain an escrow account within the State Transportation Trust Fund for environmental mitigation phases of projects budgeted by the Department of Transportation for the current fiscal year. The section also requires the Department of Transportation to transfer to the Department of Environmental Protection and the water management districts \$75,000 for each acre within the water management districts where an impact upon wetlands has been projected. The funds are used by the water management districts for use in mitigation development and implementation activities, including the acquisition of property.

In some instances, inverse condemnation suits have been filed against the state and local governments arguing that the value of wetlands has been statutorily established based on the provisions of s. 373.4137, F.S.

C. EFFECT OF PROPOSED CHANGES:

Section 373.4137, F.S., is amended to provide the \$75,000 cost per acre does not constitute an admission against interest by the state or its subdivisions, nor is the cost admissible as evidence of full compensation for any property acquired through eminent domain or inverse condemnation. In such suits, the value of wetlands property would be established based on appraisals and expert opinion.

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

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V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

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