

STORAGE NAME: h1599z.wrm  
DATE: May 10, 2000

**\*\*FAILED TO PASS THE LEGISLATURE\*\***

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE COMMITTEE ON  
WATER AND RESOURCE MANAGEMENT  
FINAL ANALYSIS**

**BILL #:** HB 1599, 1st engrossed  
**RELATING TO:** Rodman Reservoir Recreation Area  
**SPONSOR(S):** Representative Fuller  
**TIED BILL(S):** None

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

- (1) WATER and RESOURCE MANAGEMENT YEAS 9 NAYS 2
  - (2) ENVIRONMENTAL PROTECTION (W/D)
  - (3) GENERAL GOVERNMENT APPROPRIATIONS YEAS 11 NAYS 2
  - (4)
- 

I. SUMMARY:

HB 1599, 1st engrossed, would have designated and established the Rodman Reservoir Recreation Area (RRRA) as a state recreation area. The RRRA would have included all state-owned lands within the floodplain of the Ocklawaha River and those acquired by the state in the future in Marion and Putnam counties from Eureka Dam to Buckman Lock.

The bill charged the Department of Environmental Protection's Division of Recreation and Parks with developing multipurpose recreational opportunities for the RRRA and its care, upkeep, maintenance and beautification. DEP was directed not to adopt new rules or use existing rules to prohibit hunting, fishing and other recreational activities in the RRRA.

In addition, it would have provided for the permanent closure and filling of those dams, locks and other structures transferred by the federal government to the state whose operation and maintenance are not cost-effective.

HB 1599, 1st engrossed, would have required that any action that would substantially alter the RRRA, as it existed on January 1, 2000, be approved by the Legislature, and provided that DEP's Division of State Lands could have acquired additional properties for improved management and recreational opportunities in the RRRA. The bill would have directed the Division of State Lands to identify, contact, and inform property owners that entered into easements within the Rodman Reservoir of the state recreation area designation. It also would have required the submission of a report by the Division of State Lands to the Governor and Legislature by January 1, 2001, addressing:

- Each entity that has an easement within the taking line of the reservoir.
- Whether the holder is willing to sell the easement.
- Estimating the easement acquisition costs.
- Any additional issues resulting from the designation.

HB 1599, 1st engrossed, had an indeterminate fiscal impact. However, it did not appear to raise constitutional or other legal concerns. It would have taken effect July 1, 2000.

(NOTE: HB 1599, 1st engrossed, passed the House as amended on May 1, 2000, by a vote of 70 YEAS and 45 NAYS, but died in the Committee on Natural Resources in the Senate when the Legislature adjourned on May 5, 2000. Its Senate companion, SB 1976, died in the Senate Fiscal Policy Committee upon adjournment.)

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:

In 1935, the U.S. Army Corps of Engineers began dredging what was envisioned as a 110-mile-long canal crossing Florida to open new shipping and transportation routes from the Atlantic Ocean to the Gulf of Mexico. Federal funds ran out a year after the barge canal project began, and it remained uncompleted until 1964 when the Corps received federal funding to resurrect the project. In 1968, construction of the Rodman Dam was completed, blocking off and re-routing 16 miles of the Ocklawaha River and creating the 9,000-acre Rodman Reservoir. Completing the dam and reservoir required the use of federal forest lands and private lands. Rather than purchasing the privately owned lands, the Corps bought easements allowing it to flood the property. In exchange, property owners were compensated monetarily and promised economic benefits once the Florida Barge Canal was finished. All easement agreements stated that the easements were acquired "in connection with the construction, operation and maintenance of the Cross-Florida Barge Canal." According to DEP, "several of the easements contained additional reverter language expressly stating that the easements reverted back to the fee-simple landowner if the land was no longer needed for the Barge Canal." Several lawsuits have been filed and are ongoing regarding this matter as the canal was never completed. Settlement agreements for two of the lawsuits regarding the purchase of the contested easements were approved by the Governor and Cabinet on March 28, 2000.

Construction on the canal ceased for the final time in 1971 when President Nixon signed an executive order to stop the project after federal courts granted the request of environmental groups for an injunction. At the time the work stopped, the project was roughly one-third completed and had consumed \$60 million in federal tax dollars and \$14 million in state and local funds. It wasn't until 19 years later that the barge canal project was officially deauthorized, first by Congress in 1990 and by the Governor and Cabinet in 1992. In its place was designated the Cross Florida State Recreation and Conservation Area, later renamed the Cross Florida Greenway.

In 1991, a team of scientists working on the Canal Lands Advisory Committee (CLAC) developed a management plan for the new Greenway. The CLAC plan envisioned a multiple-use conservation and recreational area flexible enough to allow the Greenway's boundary to expand, to allow land exchanges with the counties for special projects that meet criteria, and to create opportunities for alternate uses of certain lands not needed for conservation or recreation. A final CLAC recommendation called for further study on the restoration of the Ocklawaha.

**STORAGE NAME:** h1599z.wrm

**DATE:** May 10, 2000

**PAGE 3**

The Governor and Cabinet adopted the CLAC plan in 1992. However, they amended the plan to call for the removal of the dam structures at Rodman Reservoir in Marion County in order to restore the Ocklawaha River to a free-flowing condition. To date, no appropriation has been made by the Legislature for dam removal.

In 1993, legislators agreed with the CLAC that the scientific and economic data pertaining to the Rodman Reservoir/Ocklawaha River issues were inconclusive, and appropriated \$900,000 for additional studies, to be conducted by DEP and the St. Johns River Water Management District over an 18-month period. Those studies, plus recommendations, were due to the Legislature by the end of 1994. The Legislature also directed DEP to consider both the economic and environmental benefits and drawbacks of complete restoration of the river, partial restoration, complete retention of the reservoir, and partial retention. The extensive study was completed in 1995. While no definitive conclusions were drawn, cost estimates were given for the different restoration and retention options.

A special-use permit for the Rodman Dam, issued to the state by the U.S. Forest Service in 1994 for the continued use of flooded forestry lands, expired at the end of 1998, but was extended for 12 months pending completion of an environmental impact study by the state. The extension also was granted to allow the U.S. Forest Service to consult with the U.S. Fish and Wildlife Service regarding manatee deaths in the reservoir. At least 10 manatees have been killed by the dam or lock since 1977, according to Florida Marine Research Institute records.

In 1997, DEP applied to the St. Johns River Water Management District for a permit to minimally restore the Rodman Dam and recently met deadlines for additional information requests on the permit application. DEP stated on January 31, 2000 that the agency had "met another deadline towards the state's long-standing objective of partially restoring the Ocklawaha River ecosystem."

**C. EFFECT OF PROPOSED CHANGES:**

HB 1599, 1st engrossed, would have designated all state owned lands within the Ocklawaha floodplain from Eureka Dam in Marion County to Buckman Lock in Putnam County as the Rodman Reservoir Recreation Area totaling approximately 16,000 acres. This designation would have been in Chapter 258, dealing with state parks, and would have removed Rodman from its current Cross Florida Greenway designation under Chapter 253. DEP's Division of Recreation and Parks would have taken over management of the area from the Division of Greenways and Trails and was directed in the bill to develop multipurpose recreational opportunities for the area.

HB 1599, 1st engrossed, provided that any dams, locks, or other structures may be closed and filled if their operation and maintenance was not cost effective due to their condition. HB 1599 would have required that any actions that would "substantially alter" the recreation area as it existed on January 1, 2000 must have legislative authorization. The bill authorized the Division of State Lands to acquire additional property for improved management and recreational opportunities in the recreational area.

Finally, HB 1599, 1st engrossed, would have required a study of easements within the reservoir, whether the holder would be a willing seller, and at what cost the easements might be purchased, as well as identified other issues related to the RRRRA. The report would have been due to the Legislature by January 1, 2001.

D. SECTION-BY-SECTION ANALYSIS:

**Section 1.** Would have created s. 258.16, F.S., designating and establishing the Rodman Reservoir Recreation Area (RRRA) as a state recreation area. Charged DEP's Division of Recreation and Parks with developing multipurpose recreational opportunities for the RRRA and its care, upkeep, maintenance and beautification. Prohibited DEP from adopting new rules and regulations, or utilizing existing rules or regulations, banning hunting, fishing and other recreational activities in the RRRA. Provided for the permanent closure and filling of those dams, locks and other structures transferred by the federal government to the state whose operation and maintenance are not cost-effective. Required that any action that would substantially alter the RRRA, as it existed on January 1, 2000, be approved by the Legislature. Provided that DEP's Division of State Lands may acquire additional properties for improved management and recreational opportunities in the RRRA. Directed the Division of State Lands to identify, contact, and inform property owners that entered into easements within the Rodman Reservoir of the state recreation area designation. Required the submission of a report by the Division of State Lands to the Governor and Legislature by January 1, 2001.

**Section 2.** Provided that this act would have taken effect July 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Revenues to the state would have been expected to increase an indeterminate amount as the RRRA's designation as a state park would allow for entrance fees. Current entrance fees for parks are typically \$3.25 per vehicle. In addition, an increase in visitors due to improvements to the recreational area might also increase revenues. DEP currently estimates there are 500,000 visitors annually to the Rodman Reservoir area.

2. Expenditures:

Expenditures associated with the RRRA would have been expected to increase as park management is more intensive than that for greenways. In addition, the development of "multipurpose recreational opportunities" and the closure of non-cost effective structures also would require funds.

The 1995 DEP report estimated annual maintenance costs to "adequately and safely continue complete lock and dam operations" between \$400,000 and \$500,000. The report also estimated that, in addition, between \$2 million and \$2.5 million would be necessary for "past-scheduled repairs and maintenance."

Costs associated with the purchase of easements are indeterminate at this time. However, the appraised values of easement acreage currently under litigation is estimated at \$9.4 million.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

Indeterminate, but there possibly would have been an increase in local sales and gasoline tax revenues due to increased visitors as a result of improvements to the recreational area.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Merchants may have seen increased revenues due to higher visitor numbers as a result of improvements to the RRRA.

**D. FISCAL COMMENTS:**

The 1995 DEP report on the Rodman Reservoir estimated that costs to remove the Rodman Dam and restore the Ocklawaha River ranged from \$5 million to \$23.4 million.

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

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

HB 1599, 1st engrossed, did not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.

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

HB 1599, 1st engrossed, did 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:**

HB 1599, 1st engrossed, did not reduce the percentage of state tax shared with counties and municipalities.

**V. COMMENTS:**

**A. CONSTITUTIONAL ISSUES:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**STORAGE NAME:** h1599z.wrm

**DATE:** May 10, 2000

**PAGE 6**

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On May 1, 2000, the House adopted an amendment that directed DEP not to adopt rules or regulations, or utilized existing rules or regulations, to prohibit hunting, fishing and other recreational activities within the RRRRA. The amendment was engrossed into the bill.

VII. SIGNATURES:

COMMITTEE ON Water and Resource Management:

Prepared by:

Staff Director:

Kellie R. Ralston

Joyce Pugh

AS FURTHER REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT  
APPROPRIATIONS:

Prepared by:

Staff Director:

Cynthia P. Kelly

Cynthia P. Kelly

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON WATER AND RESOURCE  
MANAGEMENT:**

Prepared by:

Staff Director:

Jason Heffley

Joyce Pugh