

STORAGE NAME: H0713.lgva.doc

DATE: March 8, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LOCAL GOVERNMENT & VETERANS AFFAIRS
ANALYSIS – LOCAL LEGISLATION**

BILL #: HB 713

RELATING TO: Marion Co./Rainbow River Access

SPONSOR(S): Representative Argenziano

TIED BILL(S): None

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

- (1) LOCAL GOVERNMENT & VETERANS AFFAIRS (SGC)
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill creates the Rainbow River Access Point (Point) in Marion County, and provides a description of boundaries.

This bill additionally provides for limited usage of the Point and preservation of riparian rights.

There is no fiscal impact associated with this bill.

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:

Tubing on the Rainbow River attracts thousands to the area each year, with the majority coming from outside of Marion County. Currently, tubers are required to stay on the river for a lengthy duration, as there is no midway exit point. It takes about four and a half hours to arrive at the exit point. For people to exit early, they have to go onto private property.

Residents along the river have urged the county to locate the tuber exit away from their residences. Several sites have been examined for an alternative exit, including property owned by private individuals, the Office of Greenways and Trails, and the Division of Recreation and Parks, Department of Environmental Protection.

Riparian rights are defined as the rights of the owners of lands on the banks of watercourses, relating to the water, its use, ownership of soil under stream and accretions. (Black's Law Dictionary, 5th ed.)

C. EFFECT OF PROPOSED CHANGES:

This bill, in providing for the creation of the Rainbow River Access Point in Marion County, enables tubers to exit onto existing state park land. This will shorten the otherwise lengthy trip, to provide a midway point about one and a half hours down the river, onto state-owned property. Although limited amenities such as restroom facilities are authorized, there is no direction in the bill for any entity to fund or construct those amenities.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides the following legislative intent: to provide Florida citizens a safe and convenient way to access the Rainbow River to swim, tube, and engage in other activities, not including motorboating, to conserve and enhance the Rainbow River.

Section 2. Provides for an area of the Rainbow River to be known as the Rainbow River Access Point (Point), and provides a description of the Point's boundaries.

Section 3. Restricts usage of the Point to vehicle parking, restroom facilities and structures needed for swimming, non-motorized vessels including canoes and kayaks, and other necessary structures.

Section 4. Clarifies that this act does not impact riparian rights.

Section 5. Provides a severability clause.

Section 6. Provides that this act takes effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

December 27, 2000

WHERE?

Ocala Star-Banner

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill does not necessitate additional rulemaking authority.

C. OTHER COMMENTS:

The Chair of the Marion County Rainbow River Advisory Council expresses that the Council supports the bill, and indicates that this bill will correct a long-standing problem of tubers exiting the Rainbow River.

An Assistant County Administrator with Marion County indicates that the County supports this bill.

A spokesperson for the Rainbow River Conservation expresses that the Conservation supports this bill.

The Mayor of the City of Dunnellon supports this bill.

A representative with the Department of Environmental Protection expresses opposition to the selection of the site designated in the bill, and registers grave concerns about the development of the proposed site as another recreational/swimming area with structures, etc. A position statement, provides, in part, as follows:

The bill does not acknowledge that the property is currently leased to the Division of Recreation and Parks for management as part of Rainbow Springs State Park. Included within the bill is a

provision for use of the property for vehicle parking, restroom facilities, and access structures for swimmers, canoes, kayaks, and similar vessels. The bill does not contain any provisions for funding, nor does it specify a responsible agency. This bill's effects are predicted to have substantial negative impacts on the natural resources of Rainbow Springs State Park, Rainbow Springs Aquatic Preserve, and the Rainbow River, an Outstanding Florida Water.

Designation and construction of the proposed tuber exit on state park land will impact significant natural areas within the state park and the...Preserve...the site includes a significant wetland area of hydric hammock that lies between the sandhills and the river shoreline. Development of this area would require about 900 feet of elevated boardwalk through these wetlands...Access to the river itself would require some form of dock structure...such structures, particularly if swimming is allowed, will result in the loss of native aquatic vegetation, shifting of loose sediments and invasion by hydrilla. The other facilities, including vehicle access roads and parking, restrooms and other amenities, would be located within the sandhills natural community, which is considered imperiled in the state by the Florida Natural Areas Inventory. Several listed species would be impacted...gopher tortoises and Florida mice (both Species of Special Concern) and...the federally threatened Indigo snake. Construction of facilities within sandhills will also hamper the park's active prescribed burning program, which is used to maintain and restore these natural areas.

Alternative sites that were considered did not have such high environmental costs associated with them and were considered to be preferred alternatives except for the concerns of adjacent residents.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON LOCAL GOVERNMENT & VETERANS AFFAIRS:

Prepared by:

Staff Director:

Cindy M. Brown

Joan Highsmith-Smith