

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 623 w/CS Northwest Florida Water Management District
SPONSOR(S): Evers
TIED BILLS: **IDEN./SIM. BILLS:** SB 1748

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|-----------------------------------|---------------|-----------|----------------|
| 1) Environmental Regulation (Sub) | 6 Y, 0 N | Lotspeich | Lotspeich |
| 2) Natural Resources | 15 Y, 0N w/CS | Lotspeich | Lotspeich |
| 3) Finance and Taxation | | | |
| 4) | | | |
| 5) | | | |

SUMMARY ANALYSIS

The bill extends the date by which implementation of the Environmental Resource Permit (ERP) program is to be assumed by the Northwest Florida Water Management District (NFWFMD) from July 1, 2003 until July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

Present Situation

In 1993, Part IV of Chapter 373, F.S., was amended to direct creation of the ERP program and a unified statewide wetland delineation methodology. This was done to streamline environmental permitting and provide statewide consistency, while considering differing hydrologic and topographic features throughout the state. Streamlining was accomplished by combining the water management districts' Management and Storage of Surface Waters (MSSW) and the Department of Environmental Protection's (DEP) dredge and fill and stormwater permits into a single ERP that was then linked to the review of requests to conduct activities on sovereign submerged lands. The unified statewide wetland delineation methodology was ratified by the Legislature in 1994 and DEP and four of the five water management districts implemented ERP rules in October 1995. However, the geographic area of the NFWFMD was exempted from the ERP program by s. 373.4145, F.S., as amended, until July 1, 2003. Consequently, the 16 counties of Northwest Florida continue to be regulated under the MSSW, dredge and fill, and stormwater programs in effect prior to development of the ERP program. The 1994 unified statewide wetland delineation methodology does apply in this area, but only for non-isolated wetlands.

One of the difficulties in expanding the ERP program into Northwest Florida is that, under Florida's constitution NFWFMD's ad valorem tax level is capped at 0.05 mill (\$0.05 per \$1000), whereas the other water management districts have a constitutional cap of 1.0 mill and statutory caps varying from 0.24 to 0.75 mill. Under the constitutional cap, NFWFMD lacks sufficient revenue to fully implement the water management provisions of ch. 373, F.S., including a comprehensive ERP program. During the 2000 Session, legislation was proposed to accelerate implementation of the ERP program in Northwest Florida. This legislation, which failed to pass, would have authorized a vote on a constitutional amendment to set NFWFMD's millage at the same level as the other water management districts and would have accelerated implementation of the ERP program to October 1, 2001.

Effect of Proposed Change

The bill extends the current division of regulatory responsibilities of the DEP and the NFWFMD for MSSW, dredge and fill, and stormwater until July 1, 2005.

C. SECTION DIRECTORY:

Section 1. Reenacts Subsections 373.4145(1) through (4), F.S. and amends (6) and (7) to provide for the repeal of those sections on July 1, 2005.

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, because this bill does not require counties or cities to spend funds or take an action requiring the expenditure of funds.

2. Other:

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 2, 2003, the Natural Resources Committee favorably adopted an amendment that deletes the requirement for a voter-approved amendment to s. 9, Art. VII of the Florida Constitution prior to having the NFWFMD assume the implementation of the ERP program, and in its place extends the current division of regulatory responsibilities between DEP and the NFWFMD until July 1, 2005.

