

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 873 Miami River Commission  
**SPONSOR(S):** Planas, Robaina, and others  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 732

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Public Lands & Water Resources (Sub)		Camechis	Lotspeich
2) Natural Resources			
3) Appropriations			
4)			
5)			

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**SUMMARY ANALYSIS**

The Miami River Commission ("MRC") will cease to exist on July 1, 2003, unless the Legislature provides for its continuation. This bill indefinitely continues the MRC by repealing section 7 of ch. 98-402, Laws of Florida, but does not modify the MRC's duties or authority.

## 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 type="checkbox"/> | N/A <input checked="" 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:**

Currently, the Miami River is an economically significant artery of commerce, extending 5.5 miles from Miami International Airport to Biscayne Bay. The Miami River's 32 private terminals handle more than \$4 billion in cargo a year from more than 29 nations and territories, making it Florida's fifth largest seaport. Property along the river is used for many purposes, including boatyards, marinas, public parks, shipping terminals, mangroves, historic homes, shipping companies, restaurants, loading docks, and residential neighborhoods.

However, in 1991, a Grand Jury report called the river a "cesspool," and attacked the civic and political community's neglect of the river. In 1997, the Legislature responded by creating The Miami River Study Commission ("MRSC") to "conduct a comprehensive study and review of the restoration and enhancement of the Miami River and Biscayne Bay."<sup>1</sup> Following the study, the MRSC recommended the establishment of a permanent Miami River Commission ("MRC") to coordinate and direct efforts to clean the river, increase economic development, revitalize neighborhoods and parks, and promote tourism. In response to the MRSC's recommendation, the Legislature created the MRC in 1998 to act as the official public clearinghouse for Miami River matters.<sup>2</sup>

The MRC has three components: a Managing Director, a Policy Committee, and a Working Group. The Managing Director is responsible for implementing plans and programs as well as coordinating the Working Group, which is composed of all governmental agencies with jurisdiction in the Miami River area and representatives of business and civic organizations.

The members of the Policy Committee include: the Governor; the chair of the Dade County Legislative Delegation; the chair of the Governing Board of the South Florida Water Management District; the Miami-Dade County State Attorney; the Mayor of Miami; the Mayor of Miami-Dade County; a member of the City of Miami Commission; a member of the Miami-Dade County Commission; the chair of the Miami River Marine Group; the chair of the Marine Council; the Executive Director of the Downtown Development Authority; the chair of the Greater Miami Chamber of Commerce; and representatives from certain civic associations as required by s. 163.06(2)(a), F.S. The duties and responsibilities of the Policy Committee include, but are not limited to, the following:

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<sup>1</sup>Specific Appropriation No. 1196, Florida Legislature, 1997

<sup>2</sup> Ch. 98-402, Law of Fla. (codified at Sections 163.06, 163.061, and 163.065, Fla. Stat.)

- ▶ Coordinate, monitor, and revise as necessary a strategic plan for improvement of the Miami River and surrounding areas, addressing environmental, economic, social, recreational, and aesthetic issues;
- ▶ Prepare, monitor, and revise as necessary an integrated financial plan using the different jurisdictional agencies available for projected financial resources.;
- ▶ Provide technical assistance and political support to assist in the implementation of each element of the strategic and financial plans;
- ▶ Accept any specifically defined coordinating authority or function delegated to the committee by any level of government through a memorandum of understanding or other legal instrument;
- ▶ Publicize a semiannual report describing accomplishments of the commission and each member agency, as well as the status of each pending task;
- ▶ Seek grants from public and private sources and receive grant funds to provide for the enhancement of its coordinating functions and activities and administer contracts that achieve these goals;
- ▶ Coordinate a joint planning area agreement between the state, county, and city;
- ▶ Provide a forum for exchange of information and resolution of conflicts;
- ▶ Act as a clearinghouse for public information and conduct public education programs;
- ▶ Establish the Miami River working group;
- ▶ Elect officers and adopt rules of procedure as necessary; and,
- ▶ Hire a managing director to represents the MRC as well as additional support staff.<sup>3</sup>

Section 163.06(3), F.S., places two significant limitations on the ability of the MRC to set policy relating to the Miami River:

- (1) The MRC is not permitted to take any action or policy position that impacts or diminishes the level of currently permitted commercial activity on the Miami River or its riverfront properties unless the action is approved by a unanimous vote of the MRC; and
- (2) The MRC is not permitted to adopt any policy position or take any action to suggest or promote additional fees, taxes, charges, or other financial obligation on owners of riverfront properties or shipping companies or operators unless approved by a unanimous vote of the MRC.

The accomplishments of the MRC include the following:

- ▶ Completion of the Miami River Corridor Urban Infill Plan which includes 68 specific proposals to improve the river's neighborhoods; to significantly reduce pollution, and to promote jobs, trade and security;
- ▶ Due to silt buildup, freighters and tugboats must wait for high tide to travel to and from Biscayne Bay. The MRC continues to coordinate with Miami-Dade County, the City of Miami,

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<sup>3</sup> s. 163.06(3), Fla. Stat.

the Army Corps of Engineers, the Florida Inland Navigation District and Florida Department of Environmental Protection on an \$80 million dredging operation likely to begin in the spring or summer of 2003;

- ▶ Progress with the Miami River Greenway, in partnership with the Trust for Public Land, to expand the greenways in the area surrounding the river;
- ▶ Release of the Miami River Basin Water Quality Improvement Report that included 33 specific proposals to remove pollution, control stormwater runoff and improve the water quality of the river and Biscayne Bay;
- ▶ Promoted outreach through Riverday festival and partnership for river cleanups with Hands On Miami volunteer group;
- ▶ Assisted in the coordination of security, anticrime, development and enhancement efforts throughout the river area;
- ▶ Completed and started to execute the Stormwater Improvement Plan;
- ▶ Secured more than \$167,000 in grants to improve the river;
- ▶ Helped coordinate security, anticrime, development and enhancement efforts throughout the river area;
- ▶ Expanded enterprise zone for economic redevelopment around the river corridor; and
- ▶ Helped create HUBZone (Historically Underutilized Business zone) to help local businesses secure federal contracts.<sup>4</sup>

#### **Effect of Proposed Changes:**

This bill provides for the indefinite continuation of the Miami River Commission by repealing Section 7 of chapter 98-402, Laws of Florida, but does not modify the authority or duties of the MRC.

#### **C. SECTION DIRECTORY:**

Section 1. Repeals Section 7 of chapter 98-402, Laws of Florida.

Section 2. Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues: For the 2002-2003 fiscal year, the Legislature appropriated \$200,000 to the MRC, which utilized the appropriated funds to pay administrative expenses. According to Capt. David

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<sup>4</sup> [www.miamirivercommission.org](http://www.miamirivercommission.org)

Miller, Executive Director of the MRC, the MRC will request an appropriation of \$200,000 for the 2003-2004 fiscal year to enable the MRC to continue operations at the current level.

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: None.

2. Other: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES