

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2802
 SPONSOR: Natural Resources Committee and Senator Dockery
 SUBJECT: Permitting authority for piers or associated structures
 DATE: March 19, 2004 REVISED: 04/12/04 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kiger</u>	<u>Kiger</u>	<u>NR</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill removes the ability of the Department of Environmental Protection (DEP) to delegate general permitting authority for the construction, extension, or removal of piers or associated structures to the water management districts (districts). All applications pending before the districts as of July 1, 2004 are reassigned to the DEP.

The bill will take effect July 1, 2004.

This bill substantially amends s. 403.814, Florida Statutes.

II. Present Situation:

Section 403.814, F.S., allows the DEP to adopt rules for the creation of a general permit for those projects which have a minimal adverse environmental effect. Subsection (4) of this provision specifically authorizes the DEP to delegate the issuance of these general permits to the district offices of the agency or the water management districts. Pursuant to this authority, the DEP entered into an operating agreement with the water management districts to issue permits relating to the construction, extension, or removal of piers or associated structures. The practical effect of this delegation is that the water management districts assumed permitting authority for these structures when they are linked to an upland development that requires an Environmental Resource Permit (ERP). The DEP district offices handle applications for general permits for other structures having minimal adverse environmental impact.

III. Effect of Proposed Changes:

The bill removes the ability of the Department of Environmental Protection (DEP) to delegate general permitting authority for the construction, extension, or removal of piers or associated

structures to the water management districts (districts). All applications pending before the districts as of July 1, 2004 are reassigned to the DEP.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEP can expect a workload increase as a result of assuming the district's dock permitting activities. From January 1, 2001 to December 31, 2003, the South Florida and Southwest Florida Water Management Districts processed 189 actions involving this type of general permit. In comparison the DEP reports having processed an estimated 900 actions involving these permit types for the same time period.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.