

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.)

Prepared By: Environmental Preservation Committee

BILL: CS/SB 2502

SPONSOR: Environmental Preservation Committee and Senator Dockery

SUBJECT: Water Management Districts

DATE: April 6, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kiger</u>	<u>EP</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>GO</u>	_____
3.	_____	_____	<u>JU</u>	_____
4.	_____	_____	<u>GA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The committee substitute authorizes each water management district to establish a program to encourage small businesses, including those owned by women and minorities, to participate in the procurement and contract activities of the district. The committee substitute also allows a water management district governing board member to continue to serve at the expiration of his or her term until a successor is appointed.

Further, the committee substitute addresses a glitch in the grandfathering provision that allows the use of jurisdictional declaratory statements for wetlands delineation that was issued prior to the adoption of the statewide methodology for wetlands delineation.

This bill substantially amends ss. 373.073 and 373.414, Florida Statutes; and creates s. 373.1135, Florida Statutes.

II. Present Situation:

The water management districts have implemented programs which attempt to provide equal access for all businesses, including minority and women-owned business enterprises for contracting and procurement opportunities. A recent federal court decision in Miami-Dade County regarding the county's minority business enterprise program has led to the SFWMD ending their similar program. The county's program was challenged in terms of whether the establishment of "participation goals" for minority and women business enterprises in awarding architecture and engineering contracts violated the Equal Protection Clause of the Fourteenth Amendment, 42 U.S.C. Sec. 1983 and Title VII of the Civil Rights Act of 1964, 42 U.S.C. sec. 2000d. However, the district has indicated that it still emphasizes providing equal access for all businesses for contracting and procurement purposes.

In 1994 when the Legislature created a uniform methodology for delineating wetlands, projects that had already received a jurisdiction declaratory statement delineating wetlands under previous law were allowed to either use the new methodology or the old methodology for which they had received a jurisdictional declaratory statement. To use the grandfathering provision, the request to use the existing jurisdictional declaratory statement had to be submitted to the Department of Environmental Protection or the relevant water management district before June 1, 1994.

III. Effect of Proposed Changes:

The committee substitute authorizes each water management district to establish and administer a program to encourage small businesses that are owned by women and minorities, to participate in the procurement and contract activities of the water management district. The purpose of the program is to spur economic development and support small businesses, including businesses that are owned by women and minorities, to successfully expand in the marketplace. Each water management district shall adopt rules to administer the program.

Section 373.073, F.S., is amended to allow a water management district governing board member to continue to serve at the expiration of his or her term until a successor is appointed.

Section 373.414(13), F.S., is amended to address a glitch in the grandfathering provision that allows the use of jurisdictional declaratory statements for wetlands delineation that was issued prior to the adoption of the statewide methodology for wetlands delineation. Currently, a petition to use such statements must have been made *prior* to June 1, 1994. This bill allows such petitions to be made *on or before* June 1, 1994.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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