



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles

#### B. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### Wild and Scenic Rivers Act

The Wild and Scenic Rivers Act<sup>1</sup> was enacted in 1968. The Act addresses the protection of the water flows of designated rivers, both expressly and by implication. The Act declares it to be the policy of the United States that certain rivers that possess outstanding values shall be preserved in "free-flowing condition," and that it is the purpose of the Act to implement that policy. Rivers may be designated by Congress, or, in some instances, be nominated by a Governor and approved by the Secretary of the Interior. Designation provides certain protections from development and from the adverse effects of water resources projects.<sup>2</sup>

In 1985, the Florida Legislature designated a 34-mile portion of the Myakka River as wild and scenic, giving the river a higher degree of environmental protection under state rules. The part of the river designated wild and scenic lies in Sarasota County. The Myakka River is one of only two rivers in Florida with the wild and scenic designation.

##### Myakka River Management Coordinating Council

The Myakka River Management Coordinating Council (council), formed in 1985, is a 29-member council made up of state, county and local agencies and governments, and independent interests. The council, with the DEP, is responsible for developing and maintaining the management plan for the segment of the Myakka River designated as a Wild and Scenic River.

The management plan includes but is not limited to:

- Permanent protection and enhancement of ecological, fish and wildlife, and recreational value of the designated segment of the river.
- Continuation of land uses and development of private lands, on the designated segment of the river, that existed on January 1, 1986.
- Periodic studies to determine the quality of recreational and other public uses.
- Regulation and control of public access to enhance and protect the resource value of the designated segment of the river.
- Restriction of motorized vehicles, both land and water vehicles, where necessary to protect the resource value of the designated segment of the river.
- Monitoring existing water quality.
- Review and regulation of all activities conducted or proposed to be conducted within the river area that will or may have an adverse impact on any resource value of the designated segment of the river.

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<sup>1</sup> 15 USC 1271-1287

<sup>2</sup> CRS Report for Congress, January 2001; <http://www.ncseonline.org/nle/crsreports/public/pub-16.cfm>

The council must also review and make recommendations on all proposals or amendments to existing rule that protects the Myakka River wild and scenic designation. Following this provision in s. 258.501, F.S., the council has recommended the wild and scenic designation for the entire Myakka River.

### **Proposed Changes**

The bill amends s. 258.501, F.S., requiring the Myakka River Management Coordinating Council to provide a report, which includes recommending the expansion of the Florida Wild and Scenic River designation to include the entire Myakka River. The report must include, at a minimum, a description of the extent of the Myakka River area, which may be covered under the designation, and any recommendations or concerns of affected parties or other interests.

During the development of the report, at least one public hearing must be held in each of the affected areas of Manatee and Charlotte counties. The report shall be provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2008.

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

Section 1. Amends s. 258.501, F.S., requiring the Myakka River Management Coordinating Council to provide a report, recommending the expansion of the Florida Wild and Scenic River Designation for the entire Myakka River, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 2. The bill shall take effect July 1, 2007.

## **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:**

The Department of Environmental Protection provides oversight and staffing for the council and may incur costs associated with the report development

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

##### 2. Other:

None

#### B. RULE-MAKING AUTHORITY:

None

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

#### D. STATEMENT OF THE SPONSOR

None

### IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 11, 2007, the traveling strike all amendment was adopted favorably as a CS by the Environment & Natural Resources Council.

The strike all amendment requires the Myakka River Management Coordinating Council to provide a report recommending the expansion of the Florida Wild and Scenic River Designation for the entire Myakka River to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The original bill expands the Wild and Scenic River designation of the 34-mile stretch of the Myakka River to encompass the entire navigable portion of the river from the beginning of the river to the mouth of the river at Charlotte Harbor.