

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1217 Hillsborough River Technical Advisory Council, Hillsborough County

SPONSOR(S): Raulerson

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Government Affairs Subcommittee	13 Y, 0 N	Darden	Miller
2) Government Operations Subcommittee	12 Y, 0 N	Toliver	Williamson
3) Local & Federal Affairs Committee	15 Y, 0 N	Darden	Kiner

SUMMARY ANALYSIS

Chapter 86-335, Laws of Florida, creates the Hillsborough River Technical Advisory Council (Council), an advisory board to assist the Hillsborough River Interlocal Planning Board (Board) in the development of the coordinated master plan for the Hillsborough River Corridor. The Council currently has 11 members, eight appointed by various governmental entities and three community representatives appointed by local governments.

The bill reduces the size of the Council to 10 members, eliminating a representative from Hillsborough River Basin Board of the Southwest Florida Water Management District, which no longer exists. The bill creates additional flexibility in the selection of members by governmental entities, allowing entities to choose to enable their chairperson, director, or chief executive to select the member. The bill makes the community representatives subject to removal by the local government that appoints them and provides for the designation of alternates. The bill also reduces the quorum for the Council from six members to five members to reflect the Council's reduced membership.

This bill will take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Hillsborough River Technical Advisory Council (Council) is an advisory panel that gives recommendations to the Hillsborough River Interlocal Planning Board (Board) regarding the development of the coordinated master plan for the Hillsborough River Corridor.¹

The Board is tasked with developing, updating, and monitoring the coordinated master plan,² which is then forwarded to cities, counties, special districts, regulatory agencies, and others involved for consideration and implementation.³ The coordinated master plan aims to:⁴

- As a matter of highest priority, ensure the portability of the water supply;
- Reverse the trend toward hardened shores and channelization;
- Control erosion and the propagation of undesirable vegetation;
- Improve water quality to a swimmable standard;
- Control boat traffic and mitigate public nuisances;
- Minimize use conflicts and promote the enforcement of water safety laws;
- Specify construction and placement standards for ramps, docks, and seawalls;
- Specify land-use design standards for development in the river corridor;
- Minimize urban encroachment upon the riverbank and establish a “green” river corridor plan;
- Improve public access to the river in appropriate areas;
- Preserve the water supply afforded by the river and conserve its use; and
- Preserve wildlife habitats and archaeological resources.

The Council consists of 11 members representing various governmental stakeholders and the public.⁵ Members of the council are subject to removal by the appointing governmental entity at any time, except for community representatives, who serve four-year terms.⁶ The community representatives are entitled to travel expenses pursuant to s. 112.061, F.S.⁷

The membership of the Council includes:

- A member of the City-County Planning Commission, appointed by that commission;
- A member or employee of the Hillsborough County Environmental Protection Commission, appointed by that commission;
- A member of the governing board of the Hillsborough River Basin Board of the Southwest Florida Water Management District, appointed by the basin board;
- An employee of the Southwest Florida Water Management District, appointed by the governing board of the district;
- A member or employee of the Tampa Port Authority, appointed by the authority;
- A member or employee of the Tampa Bay Regional Planning Council, appointed by that council;

¹ Ch. 86-335, s. 3(1), Laws of Fla. The Hillsborough River Corridor is defined as “that portion of the Hillsborough River beginning at the Platt Street Bridge and extending north to the county line and all land situated within 500 feet of either bank of that portion of the river.” Ch. 86-335, s. 1, Laws of Fla.

² See Hillsborough River Interlocal Planning Board & Technical Advisory Council, Consolidated Hillsborough River Master Plan, available at: http://www.planhillsborough.org/wp-content/uploads/2014/07/Consolidated-Master-Plan-7_14.pdf (last visited 3/20/15).

³ Metropolitan Planning Organization for Transportation, *Who are the Hillsborough River Board & Technical Advisory Council*, available at: <http://www.planhillsborough.org/what-is-the-hillsborough-river-board-technical-advisory-council/> (last visited 3/13/15).

⁴ Ch. 86-335, s. 2(3), Laws of Fla.

⁵ Ch. 86-335, s. 3(1), Laws of Fla.

⁶ *Id.*

⁷ Ch. 86-335, s. 3(2), Laws of Fla.

- An employee of the Florida Department of Environmental Regulation, appointed by the department's local director;
- A member of the U.S. Army Corps of Engineers, appointed by the corps of engineers; and
- Three community representatives.⁸

On May 24, 2011, the Governing Board of the Southwest Florida Water Management District voted to merge all basins and consolidate them into the district, which had the effect of eliminating the basins and their attendant entities.⁹

Effect of Proposed Changes

The bill revises the membership of the Council and reduces its size to 10 members. The bill does so by removing the representative of the Hillsborough River Basin Board of the Southwest Florida Water Management District, which is no longer in existence.¹⁰ The bill authorizes each governmental entity that makes appointments to the Council to allow its chairperson, director, or chief executive to appoint the member.

The bill eliminates fixed terms of office for the community representatives. Instead, the representatives will serve at the pleasure of their appointing entity (like other members of the Council). The bill also authorizes the appointing entity to designate alternates.

The bill reduces the Council's quorum requirement from six members to five members, to reflect the reduced size of the Council.

The bill changes a reference to the defunct Florida Department of Environmental Regulation to the current Florida Department of Environmental Protection.

The bill deletes a reference to the initial development of the existing coordinated master plan by the Council.

B. SECTION DIRECTORY:

Section 1: Amends Chapter 86-335, Laws of Florida, to revise the membership of the Council, as well as revising appointing authorities, terms of office, and providing for the selection of alternates.

Section 2: Provides an effective date of upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 13, 2015

WHERE? The Tampa Tribune, a daily newspaper published in Hillsborough County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

⁸ Ch. 86-335, s. 3(1)(i) Laws of Fla. These members must have a demonstrated interest in the protection of the Hillsborough River and cannot be an officer or employee of any of the governmental entities who appoint members of the Council or Board. The Tampa City Council, Temple Terrace City Council, and Hillsborough County Board of County Commissioners are each responsible for selecting one community representative.

⁹ Governing Board, Southwest Florida Water Management District, Minutes of the Meeting, May 24, 2011, available at http://www.swfwmd.state.fl.us/calendar/minutes/govboard_05-24-11_minutes_1646.pdf (last visited 3/20/2015).

¹⁰ *Id.*

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill does not provide authority or require executive branch rulemaking

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES