

**STORAGE NAME:** h3059.ep

**DATE:** February 5, 1998

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
ENVIRONMENTAL PROTECTION  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 3059

**RELATING TO:** Federal Designations for Land or Water Bodies

**SPONSOR(S):** Representative(s) Albright; Feeney

**COMPANION BILL(S):** SB 1488 by Senator Kirkpatrick

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

(1) ENVIRONMENTAL PROTECTION

(2)

(3)

(4)

(5)

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I. SUMMARY:

The bill establishes the Cabinet and Legislature as the only entities authorized to apply for federal designations concerning land or water bodies within the state.

This act shall take effect upon becoming law.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Depending on the criteria established by the federal agency or program, individuals, groups of individuals, and public or private entities are allowed to apply for special federal designations of lands and water bodies. The following are examples of existing federal designations found in Florida and the appropriate applicants and designating bodies.

<b>PROGRAM</b>	<b>APPLICANT</b>	<b>DESIGNATING BODY</b>
National Wild and Scenic Rivers	Governor(s)	U.S. Secretary of Interior
National Estuarine Research Reserve	Governor	U.S. Secretary of Commerce
National Marine Sanctuaries	U.S. Secretary of Commerce	Congress
National Scenic Trails	Any individual or group	U.S. Department of Agriculture
American Heritage River	Any individual or group	President
National Park	Member of Congress	Congress
National Seashore	Member of Congress	Congress or Presidential declaration

Each program has been established through federal law, except for the American Heritage Rivers Initiative, which was created by Executive Order.

Although the methods for obtaining designation may differ in the various programs, they all share similar public participation requirements. Prior to designation, advisory councils must be created, management plans developed and local and state government input obtained.

B. EFFECT OF PROPOSED CHANGES:

The bill would direct that the Legislature and the Cabinet are the only authorized entities that may apply for federal designations for any land or water body in the state, and defines these to include lakes, springs, streams, tributaries, aquifers, or watersheds.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No

(3) any entitlement to a government service or benefit?

No

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No

b. Does the bill require or authorize an increase in any fees?

No

c. Does the bill reduce total taxes, both rates and revenues?

No

d. Does the bill reduce total fees, both rates and revenues?

No

e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No, see "Comments Section"

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

E. SECTION-BY-SECTION RESEARCH:

Section 1: Provides that the Legislature and Cabinet are the only entities authorized to apply for a federal designation for any land or water body in Florida.

Section 2: Provides that the act will take effect upon becoming law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Total Revenues and Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None

2. Recurring Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise and Employment Markets:

None

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditures of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue-raising authority of cities or counties.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the amount of state tax shared with cities and counties.

V. COMMENTS:

A couple of questions/issues have been raised concerning this bill and possible interpretations.

- Does the term "entity" preclude individuals, local governments, or non-profits from seeking federal designations?
- The Department of Environmental Protection has expressed concern that the term "federal designation" can be construed to include water quality standards and thus endanger any existing federal delegations based upon these. (Note: All Florida water quality standards are approved by the Environmental Regulation Commission and then by the U.S. EPA)

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

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