

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 1975, Florida enacted the Aquatic Preserve Act with the intent that the state-owned submerged lands in areas which have exceptional biological, aesthetic, and scientific value, be set aside forever as aquatic preserves or sanctuaries for the benefit of future generations¹. Florida statutes defines an aquatic preserve as an exceptional area of submerged lands and its associated waters set aside for being maintained essentially in its natural or existing condition.

The state restricts certain activities in aquatic preserves in order to conserve their unique biological, aesthetic and scientific value. Section 258.42, F.S., prohibits even the Board of Trustees of the Internal Improvement Trust Fund (BOT) from approving the sale, lease, or transfer of sovereignty submerged lands except when the transaction is in the public interest.

Only minimal or maintenance dredging may be permitted in a preserve, and any alteration of the preserves' physical conditions is restricted unless the alteration enhances the quality or utility of the preserve or the public health generally. Minerals may not be mined (with the exception of oyster shells), and oil and gas well drilling is prohibited. This prohibition will not prohibit the state from leasing the oil and gas rights and permitting drilling from outside the preserve to explore for oil and gas if approved by the BOT. Docking facilities and even structures for shore protection are restricted as to size and location².

The DEP's Office of Coastal and Aquatic Managed Areas oversees the management of Florida's 41 aquatic preserves, three National Estuarine Research Reserves (NERR), one National Marine Sanctuary and the Coral Reef Conservation Program. These protected areas comprise more than 4 million acres of the most valuable submerged lands and select coastal uplands in Florida³.

¹ Section 258.36, F.S.

² Administrative rules applicable to aquatic preserves generally may be found in Chapter 18-20.004, F.A.C., Management Policies, Standards and Criteria. However, every aquatic preserve in the state has specific restrictions and policies that are set out in the Florida Administrative Code.

³ Department of Environmental Protection website, <http://www.dep.state.fl.us/coastal/>

Effect of Proposed Changes

The bill amends s. 258.39, F.S., by listing all counties in alphabetical order and including Pasco and Hernando Counties with aquatic preserves within the county boundaries.

The bill creates the 42nd aquatic preserve, Nature Coast Aquatic Preserve, along the coasts of Pasco, Hernando, and Citrus Counties, accounting for approximately 440,000 acres.

Finally, the bill exempts all privately owned uplands and submerged lands from all aquatic preserve dedications.

B. SECTION DIRECTORY:

Section 1. Amends s. 258.39, F.S., revising provisions relating to the boundaries of aquatic preserves; declaring described state-owned submerged lands in specified counties as aquatic preserves; creating the Nature Coast Aquatic Preserve; describing the boundaries thereof; clarifying an exemption from such dedication for certain lands.

Section 2.. Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

See Fiscal Comments

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

According to DEP, the following is based on other aquatic preserve funding needs:

Non-recurring start up costs: \$145,000 for office supplies, computers, furniture, 2 vehicles, 2 boats (inshore and offshore) and scientific field instruments.

An estimated \$350,000 in Fixed Capital Outlay is needed to construct a field office, lab, meeting space and educational displays. DEP hopes to co-locate with another land manager to save money. If this happens, the estimated Fixed Capital Outlay needs could be reduced by half.

DEP is also asking for 4 FTE, \$250,000 for salaries and operating expenses annually.

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

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES