

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB ANR 10-06 Relating to interagency agreement

SPONSOR(S): Agriculture & Natural Resources Policy Committee

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

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Agriculture & Natural Resources Policy Committee		Kliner	Reese
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

Pursuant to subsection (4) of s. 373.046, F.S., the secretary of the Department of Environmental Protection (DEP) is required to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding the efficiency of the procedures and the division of responsibilities between the DEP and the five water management districts, as well as the progress toward the execution of interagency agreements and the integration of permitting with sovereignty lands approval. The report also will consider the feasibility of improving the protection of the environment through comprehensive criteria for protection of natural systems. As the report was due by December 10, 1993, reference to this report is obsolete and is removed from Florida Statutes.

The bill has no fiscal impact.

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

The state regulates and permits activities that affect wetlands primarily through the Environmental Resource Permit (ERP) program. The program is implemented jointly by the Department of Environmental Protection (DEP) and four of the five water management districts.¹ Operating Agreements between the DEP and the water management districts (the Districts) outline specific responsibilities to each agency for any given application. Under those agreements, the DEP generally reviews and takes actions on applications involving:

- Solid waste, hazardous waste, domestic waste, and industrial waste facilities;
- Mining;
- Power plants, transmission and communication cables and lines, natural gas and petroleum exploration, production, and distribution lines and facilities;
- Docking facilities and attendant structures and dredging that are not part of a larger plan of residential or commercial development;
- Navigational dredging conducted by governmental entities, except when part of a larger project that a District has the responsibility to permit;
- Systems serving only one single-family dwelling unit or residential unit not part of a larger common plan of development;
- Systems located in whole or in part seaward of the coastal construction control line;
- Seaports; and
- Smaller, separate water-related activities not part of a larger plan of development (such as boat ramps, mooring buoys, and artificial reefs)

The Districts are responsible for reviewing and taking action on all other applications, mostly commercial and residential development, including ERPs, the drilling of water wells and consumptive use permits.

Subsection (4) of s.373.046, F.S., authorizes the Districts and the DEP to modify the division of responsibilities and to enter into further interagency agreements by rulemaking, including incorporation by reference, pursuant to chapter 120, F.S., to provide for greater efficiency and to avoid duplication in

¹ The Northwest Florida Water Management District, which has implemented rules for stormwater permitting only, effective October 1, 2007, plans to be permitting its own ERPs this year.

the administration of part IV of chapter 373, F.S. (The Management and Storage of Surface Waters), by designating certain activities which will be regulated by either the Districts or the DEP. In developing the interagency agreements, the Districts and the DEP should take into consideration the technical and fiscal ability of each water management district to implement all or some of the provisions of part IV of this chapter 373, F.S.

Pursuant to this subsection, by December 10, 1993, the secretary of the DEP shall submit a report to the President of the Senate and the Speaker of the House of Representatives regarding the efficiency of the procedures and the division of responsibilities contemplated by this subsection and regarding progress toward the execution of further interagency agreements and the integration of permitting with sovereignty lands approval. The report also will consider the feasibility of improving the protection of the environment through comprehensive criteria for protection of natural systems.

Effect of Proposed Changes

Reference to the report due December 10, 1993, is removed from Florida Statutes.

B. SECTION DIRECTORY:

Section 1. amends subsection (4) of section 373.046, F.S., removing reference to a report that was due in 1993.

Section 2. provides an effective date of July 1, 2010.

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: None

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, does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate, and does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other: None noted

B. RULE-MAKING AUTHORITY: None

C. DRAFTING ISSUES OR OTHER COMMENTS: None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES