

**STORAGE NAME:** h3059s1.ep

**DATE:** February 5, 1998

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

**BILL #:** CS/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 YEAS 9 NAYS 3
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**I. SUMMARY:**

CS/HB 3059 creates s. 253.0015, F.S., relating to programs, initiatives, or designations (PID's) which include or are contiguous to state-owned lands. Specifics of the bill:

- Provide Legislative intent to encourage individuals and entities to participate in PID's.
- Require that for any PID that includes or is contiguous to state owned lands that approval be granted by the Legislature and the Governor and Cabinet sitting as the Board of Trustees.
- Apply to any application for PID's submitted on or after September 1, 1997.
- Direct that no PID may lead to additional or more restrictive zoning or environmental regulation, be construed as authority to adopt stricter regulations, or be used to restrict private property rights.
- Exempt those PID's that are specifically established in federal law, regulation or included in emergency or disaster declarations.

This act shall take effect upon becoming law.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The State Constitution sets a policy to conserve and protect the natural resources and scenic beauty of the state. The title for lands of the state are held in trust for all the people by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees). The state has the ability to sell those lands, or authorize those lands for private purposes, only when it is in the public's interest to do so. All lands held in trust by the board of trustees, are to be held for the use and benefit for the people of the state.

The federal government has designed special programs, initiatives, and designations (PID's) for lands and water bodies. The federal government has enabled individuals, groups of individuals, and public or private entities to apply for those federal PID's if they meet the established criteria. The following are examples of existing federal PID's 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 PID has been established through federal public law or the code of federal regulations, except for the American Heritage Rivers Initiative, which was created by Executive Order.

Although the methods for obtaining a designation or participating in a program or initiative may differ, most share similar public participation requirements. Prior to designation, advisory councils must be created, management plans developed and local and state government input obtained.

On the international scene many PID's exist, however, the most prominent is the United Nations Biosphere Reserves/World Heritage Program. Initiated in 1974, the program

seeks to recognize certain areas of the world as unique ecosystems. Designation of these reserves has been done through legislation by some countries. There are two biosphere reserves in Florida. The Central Gulf Coast Plain, located in the Apalachicola Research Reserve and designated by request of the advisory board to the National Estuarine Research Reserve, and the Everglades, which has been designated at the request of the National Park Service.

**B. EFFECT OF PROPOSED CHANGES:**

CS/HB 3059 provides a tool for participation in those PID's that include or are contiguous to state-owned lands. Participation in those PID's that affect state-owned lands would be contingent on the following:

- Approval by the Governor and Cabinet sitting as the Board of Trustees, and both houses of the Legislature.
- Any PID could not: empower any unit of government to impose additional or more restrictive environmental, land use, or zoning rules; be construed or cited as authority to adopt additional regulation; and, be used by any government to reduce or restrict property rights.

Any applications for participation in a PID submitted on or after September 1, 1997 would be required to meet these criteria.

The bill would exempt those PID's that currently exist in federal law, regulation, or are a result of emergency or disaster declarations.

**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?

It is the intent of the Legislature to encourage individuals, local government, and any other private or public entities to participate in these PID's where appropriate. The Legislature recognizes that PID's created or sponsored by national governments or international organizations have been undertaken to further the conservation and protection of lands. However, this bill will now require that those PID's be supported by the Governor and Cabinet sitting as the Board of Trustees, and both houses of the Legislature.

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:

Creates s. 253.0015, F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Creates s. 253.0015, F.S., providing legislative intent and requiring individuals, local governments, public or private entities, who wish to participate in programs, initiatives, or designations which include or are contiguous to state-owned lands, to obtain a resolution of support from the Governor and Cabinet and a resolution from the Legislature. It does not empower state or local governments, or water management districts to impose additional or more restrictive environmental, land use or zoning rules or regulations. Neither does it give authority to adopt or enforce any environmental rule or regulation; comprehensive plan goals, policies, or objectives; any zoning or land use ordinance; the imposition of any permit conditions; or the application of any other rule, regulation, or ordinance by any unit of government. It may not be used to reduce or restrict the rights of land owners who are within or contiguous to the area proposed to be included in any program, initiative, or designation.

Excluded from the above requirements are any designations, initiatives, or programs specifically established in federal public law, the code of federal regulations, or disaster and emergency declarations.

Requires any program, initiative, or designation applied for after September 1, 1997, which includes or is contiguous to state-owned land, to comply with these regulations.

Section 2: Provides that the act shall 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:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 12, 1998, the Committee on Environmental Protection, adopted HB 3059 as a committee substitute. A remove and insert everything after the enacting clause amendment was adopted. The amendment: provided legislative intent encouraging participation in these programs; requires that prior to participation approvals must be gotten from the Legislature and the Board of Trustees; applies the bill's provisions to applications filed since September 1, 1997; and directs that no program, initiative, or designation may lead to additional rules or regulations or be used to restrict property rights.



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Excluded from these required provisions are designations, initiatives, or programs specifically established in federal public law, the code of federal regulations, or disaster and emergency declarations.

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Legislative Research Director:

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Barbara Snyder Clampett

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Wayne Kiger