

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1064

SPONSOR: Natural Resources Committee and Senator Brown-Waite

SUBJECT: The Florida Coastal Management Program

DATE: March 5, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gee	Voigt	NR	Favorable/CS
2.				
3.				
4.				
5.				
6.				

I. Summary:

This bill transfers the Florida Coastal Management Program from the Department of Community Affairs (DCA) to the Department of Environmental Protection (DEP).

II. Present Situation:

The Florida Coastal Management Program (FCMP) was authorized, developed, approved, and is implemented through the Federal Coastal Zone Management Act (CZMA) of 1972 and the Florida Coastal Management Act (Part II of Chapter 380, F.S.). The FCMP was originally approved by the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) in September 1981 and has retained that approval through periodic federally-conducted program evaluations, the last one having been conducted by NOAA in September, 1999. As created and approved, the Florida program encompasses the entire state and consists of 23 state statutes implemented by the network of responsible state agencies and water management districts.

Approval of a program confers two direct benefits to the state: funding for implementation of the approved program, and a process referred to as federal consistency. Congress allocates an amount to NOAA for coastal management; NOAA in turn follows a formula based upon coastal population and miles of coastline in establishing state allocations to approved states. The maximum any state can receive in administration/implementation funds (referred to as Section 306 funds after that portion of the CZMA), however, is \$2 million. Florida receives that maximum. In certain years, the award amount is higher, because all previous year funds which were returned to NOAA or otherwise not spent by the states are reallocated among the states. Other sections of the act authorize funding for specific initiatives; for example, Section 6217 is for development of a coastal nonpoint source pollution control program, while Section 309

describes funding for “enhancement grants” within nine specific categories. Those funds can vary in amount from year to year. The total amount of federal coastal funding received by Florida has averaged approximately \$2.4 - 2.8 million annually.

The FCMP has used federal funds for program staff salaries and benefits, expenses, and other administrative costs; the free beach access sign program; educational publications, reports, and outreach materials; and an ongoing coastal management indicators project. Some of these funds are also made available by the FCMP through a competitive process to local governments and certain others working in partnership with a local government to complete projects within four initiative areas (coastal stewardship, working waterfronts, coastal access, and remarkable coastal places). Funds have also been used to create and fund the Waterfronts Florida program to provide training, technical, and limited financial assistance to three communities designated every two years that are seeking to create and implement special waterfront revitalization plans. FCMP has funded the DCA’s long-term hazard mitigation strategy efforts under the “hazard mitigation enhancement area” program and has provided funding to projects in the Florida Panhandle and the Keys to address the cumulative impacts resulting from population growth. Under the federal “ocean resources” enhancement area program, the FCMP is funding seagrass management strategies and a project called Florida Blue Ways. This project is creating a geographic information system built around ecological, human use, and management characterizations. The goal is to structure an easy-to-use management tool that will allow resource managers to examine natural science data for an area while simultaneously considering existing resource uses and management efforts.

Federal consistency is the process that allows the state to review federal activities within or near the state’s coastal zone to determine compliance (consistency) with the state’s federally approved coastal management program. The four major activities are: 1) activities conducted by or on behalf of a federal government agency; 2) federally-funded activities; 3) activities that require a federal license or permit; and 4) activities conducted pursuant to an Outer Continental Shelf Lands Act minerals exploration plan or lease. All federal applications are submitted to the State Clearinghouse, a unit of the FCMP, to circulate and process these applications to all the partner agencies for comment based on their statutory authorities in the FCMP (23 statutes implemented by eight state agencies and the water management districts). The FCMP issues the single letter providing the state’s determination of consistency or inconsistency of an activity on behalf of the state and the reviewing agencies. Since the entire state is defined as the coastal zone and the 23 state statutes and their implementing regulations are incorporated into the FCMP, the review workload generally exceeds 2,000 activities annually.

The previous Department of Environmental Regulation was designated as the lead coastal agency when the FCMP was initially approved. The DCA was designated the lead coastal agency in 1992 and the program was transferred from the Department of Environmental Regulation at that time. The DCA now recommends transferring the FCMP to the DEP because the DEP’s mission of protecting natural resources is more in keeping with the goals of the FCMP. Chapter 216, F.S., requires the Governor to make legislation available in bill form that is needed to implement the Governor’s recommended budget. This bill constitutes the required legislation, as the transfer is included in the Governor’s budget.

III. Effect of Proposed Changes:

Section 1. Section 380.205(1), F.S., is amended for purposes of ss. 380.21-380.24, F.S., to change the definition of “department” from the DCA to the DEP.

Section 2. Section 380.24, F.S., is amended technically to conform to section 1.

Section 3. Section 380.285, F.S., is amended to change the agency designated to jointly study Florida lighthouses with the Department of State from the DCA to the DEP. The DEP is also charged with seeking funds for lighthouse rehabilitation and assisting the Division of Historical Resources in lighthouse-related matters.

Section 4. All powers, duties, functions, rules, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the FCMP as provided for in ss. 380.20 through 380.285, F.S., currently assigned to and administered by the DCA, are transferred by a type two transfer, as defined in s. 20.06(2), F.S., to the DEP.

Section 5. The act will take effect July 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill conforms statutes to actions included in the Senate’s proposed General Appropriations Act. The act transfers nine positions, \$102,564 in general revenue funding, and \$2,413,510 in trust funds from the DCA to the DEP. The transfers should be sufficient to continue the program under new management.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
