

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 279 w/CS Water Resources

SPONSOR(S): Cretul

TIED BILLS: IDEN./SIM. BILLS: SB 1044

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Public Lands & Water Resources (Sub)</u>	<u>8 Y, 0 N</u>	<u>Grayson</u>	<u>Highsmith-Smith</u>
2) <u>Natural Resources</u>	<u>15 Y, 1 N w/CS</u>	<u>McKinnon</u>	<u>Lotspeich</u>
3) <u>Local Government & Veterans' Affairs</u>	<u>10 Y, 0 N</u>	<u>Grayson</u>	<u>Highsmith-Smith</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill amends current law to allow electronic mail, in addition to regular mail, be used to notify the affected local governments when an application for a consumptive use permit (CUP) is received by a water management district.

The bill provides that all CUPs have certain language.

The bill is not expected to have any fiscal impacts on local or state budgets.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0279d.lgv.doc

DATE: April 22, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation

A consumptive use permit (CUP), also called a water use permit, allows a user to withdraw a specified amount of water, either from the groundwater or from a lake or river. The water can be used to irrigate crops, nursery plants or golf courses, in the manufacturing process of various products such as citrus processing, to operate industrial plants and to provide drinking water for domestic consumption. Currently, s. 373.116, F.S., provides for notice to local governments and affected citizens as long as prior written request has been received by the local municipality.

Effect of Proposed Changes

This bill amends current law to allow electronic mail, in addition to regular mail, be used to notify the affected local governments when an application for a consumptive use permit (CUP) is received by a water management district.

The bill provides that a statement appear on all permits issued under s. 373.116, F.S., that reads:

"This permit does not convey to the permittee any property rights or privileges other than those specified herein or relieve the permittee from complying with any applicable local, state, or federal law, rule, or ordinance."

The intent of this language is to educate the CUP permit holder that there is no implied property right or privilege based on obtaining a CUP permit.

C. SECTION DIRECTORY:

Section 1. Amends s. 373.116, F.S., to require that local governments be notified by electronic mail regarding the issuance of a CUP by a water management district. Provides for additional language to be present on a CUP permit.

Section 2. Providing for an effective date.

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:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not 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:

Drafting Issues

None.

Other Comments

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 2, 2003, the House Committee on Natural Resources favorably adopted a substitute strike-all amendment that does the following:

- Requires that local governments be notified by electronic mail regarding the issuance of a CUP by a water management district.
- Provides for additional language to be present on a CUP permit.