

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 and Water Resources (Sub)</u>	<u>8 Y, 0 N</u>	<u>McKinnon</u>	<u>Lotspeich</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>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

HB 279 amends section 373.116, F.S., requiring water management districts to notify local governments by electronic mail. The bill provides that all consumptive use permits (CUP) have language stating that: "The CUP 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 bill is not expected to have any fiscal impact to local or state government

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

STORAGE NAME: h0279b.nr.doc

DATE: April 5, 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

HB 373.116 amends section 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. Additionally, the bill provides that all consumptive use permits (CUP) have language stating that: "The CUP 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 the language is to educate the CUP permit holder that there is no implied property right or privilege on the basis of 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:

Not applicable. The bill does not affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On April 2, 2003, the House Committee on Natural Resource 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.