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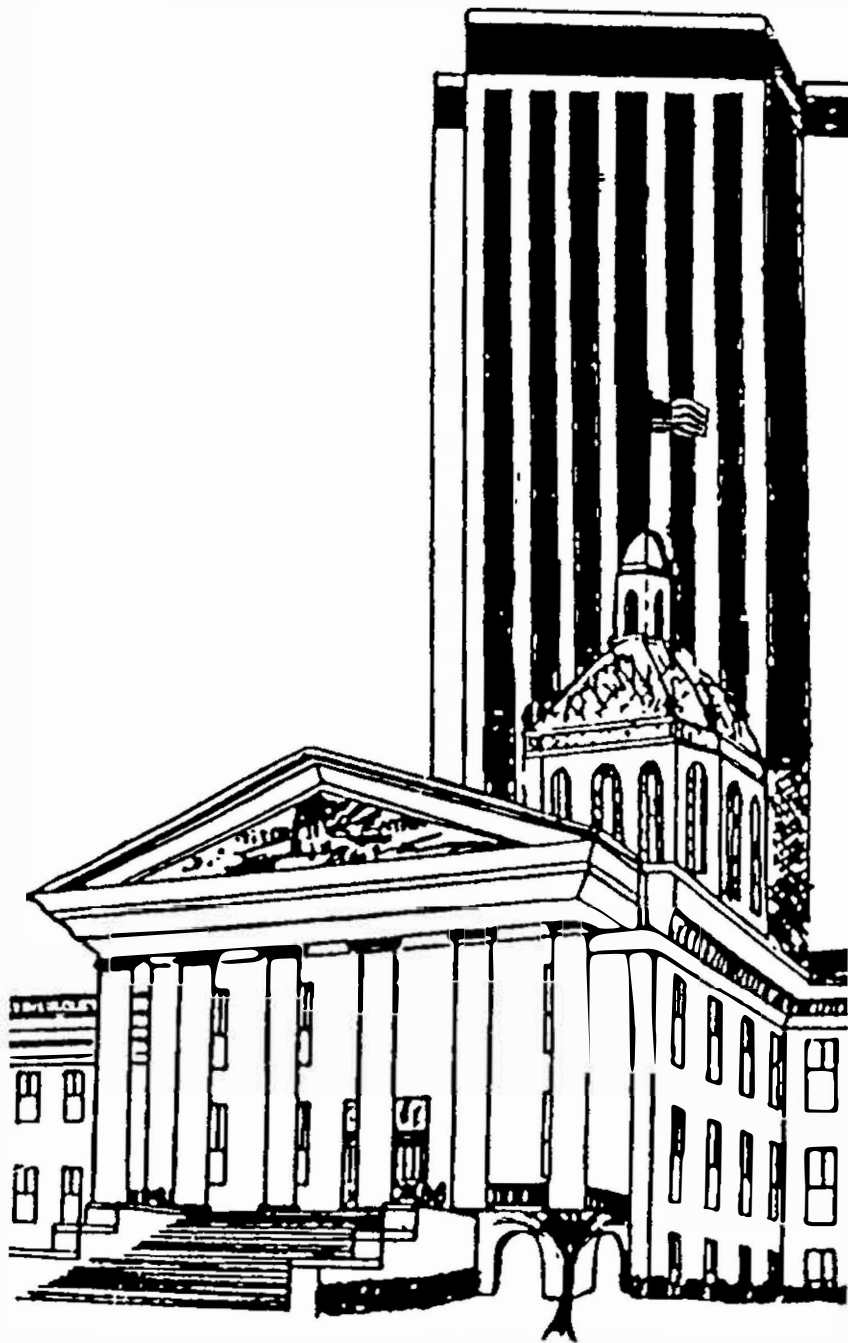
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FLORIDA LEGISLATURE

FINAL LEGISLATIVE BILL INFORMATION “CITATOR”

*1998 Regular Session
1997 Special Session A*



prepared by:

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HISTORY OF HOUSE BILLS

H 4009 (CONTINUED)

- 04/23/98 HOUSE Senate Bill substituted, Laid on Table, Iden /Sim / Compare Bill(s) passed, refer to SB 2122 (Ch 98-82) -HJ 01476
- H 4011 GENERAL BILL by Fuller, (CO-SPONSORS) Barreiro; Westbrook; Trovillion, Bitner; Mackey; Arnall, Smith; Fasano; Reddick; Crady, Dennis; Wise; Byrd; Eggelletion; Bullard; King (Similar S 1758)**
Tax on Diesel Fuel, provides for refund of tax paid on undyed diesel fuel consumed by engine of motorcoach during idle time for certain purposes, defines "motorcoach" Amends 206 8745 Effective Date Contingent
- 03/05/98 HOUSE Filed
 03/06/98 HOUSE Introduced -HJ 00144
 04/14/98 HOUSE Referred to Transportation (EIC), Finance & Taxation (FRC), General Government Appropriations -HJ 00594
 05/01/98 HOUSE Died in Committee on Transportation (EIC)

H 4013 GENERAL BILL by Bush (Similar S 0764, S 1870)

- Small Business Enterprise Program, authorizes county, municipality, community college, or district school board, in its sole discretion, to implement small business enterprise program which may include designating contracts for competitive bidding by small business enterprises Amends 235 31, 287 093 Effective Date Upon becoming law
- 03/05/98 HOUSE Filed
 03/06/98 HOUSE Introduced -HJ 00144
 03/13/98 HOUSE Referred to Education Innovation (AEC), Governmental Operations (GRC) -HJ 00239
 05/01/98 HOUSE Died in Committee on Education Innovation (AEC)

H 4015 GENERAL BILL by Hafner

- Employee Involvement in Education, creates Florida State Employee Involvement in Education Act & provides purpose thereof, requires DMS to develop rule re administrative leave for state employees to participate in education-related activities, provides definition of term "education-related activities", provides procedural requirements for enactment of rule, requires report from Secretary of Management Services Creates 110 175 Effective Date Upon becoming law
- 03/05/98 HOUSE Filed
 03/06/98 HOUSE Introduced -HJ 00144
 05/01/98 HOUSE Died, reference deferred

H 4017 GENERAL BILL by Sindler (Similar S 2260)

- Air Pollution Prevention Grant Act, creates "Florida Air Pollution Prevention Grant Program Act", requires Air Resource Management Div of DEP to administer program, provides for grants to owners or operators of public or private air pollution sources for purposes of implementing air pollution prevention projects, provides eligibility criteria, authorizes Air Pollution Control TF to serve as depository to accept moneys for certain purposes, etc Effective Date Upon becoming law
- 03/05/98 HOUSE Filed
 03/06/98 HOUSE Introduced -HJ 00144
 05/01/98 HOUSE Died, reference deferred

H 4019 GENERAL BILL by Jacobs; (CO-SPONSORS) Bloom; Silver; Gottlieb; Hill; Dennis, Dawson-White; Crist; Meek (Identical S 1770)

- Fla Nursing Home Quality Care Act, requires rules providing staffing requirements for nursing homes, provides minimum ratios of certified nursing assistants to residents, provides application of requirements, requires certain information to be posted in each facility, conforms cross reference Amends 400 23, 063 Effective Date Contingent
- 03/05/98 HOUSE Filed
 03/06/98 HOUSE Introduced -HJ 00144
 03/13/98 HOUSE On Committee agenda—Elder Affairs & Long Term Care (GSC), 03/19/98, 3 45 pm, 413C—Not received
 04/01/98 HOUSE Referred to Elder Affairs & Long Term Care (GSC), Governmental Rules & Regulations (GRC) -HJ 00432
 05/01/98 HOUSE Died in Committee on Elder Affairs & Long Term Care (GSC)

H 4021 GENERAL BILL by Lippman (Similar S 1480, Compare H 3827, S 1478)

- Public Records/Insurance, provides for confidentiality of certain insurance policies, provides for confidentiality of certain information re FAIR Plan, provides legislative intent, findings, & declarations, takes effect on same date that H3827, S1478, or similar legislation creating Fair Access to Insurance Requirements (FAIR) Plan takes effect, if such legislation is adopted in same legislative session or extension thereof, etc Amends 627 351, 3518 Effective Date Contingent
- 03/05/98 HOUSE Filed
 03/06/98 HOUSE Introduced -HJ 00144
 03/13/98 HOUSE Referred to Financial Services (EIC), Governmental Operations (GRC) -HJ 00239
 05/01/98 HOUSE Died in Committee on Financial Services (EIC)

H 4023 GENERAL BILL/2ND ENG by Bloom; (CO-SPONSORS) Minton; Bronson; Brown; Casey; Heyman; Cosgrove; Barreiro; Villalobos; Crist; Rojas; Roberts-Burke; Meek; Silver (Similar S 1138)

(PAGE NUMBERS REFLECT DAILY SENATE AND HOUSE JOURNALS
 - PLACEMENT IN FINAL BOUND JOURNALS MAY VARY)

H 4023 (CONTINUED)

- Pawnbroking & Secondhand Dealers, revises recordkeeping requirements for pawnbrokers to provide that sheriff or director of dept of public safety is designated as central repository for copies of all pawnbroker transaction forms collected by appropriate law enforcement official in county, provides for statewide system for collecting & accessing pawnshop ticket & second-hand dealer information, etc Amends 539 001, 538 04 Effective Date Upon becoming law
- 03/05/98 HOUSE Filed
 03/06/98 HOUSE Introduced -HJ 00144
 03/13/98 HOUSE Referred to Business Regulation & Consumer Affairs (EIC), Law Enforcement & Public Safety (JC) -HJ 00239
 03/25/98 HOUSE On Committee agenda—Law Enforcement & Public Safety (JC), 04/01/98, 1 45 pm, 314-HOB—Not received
 04/02/98 HOUSE On Committee agenda—Law Enforcement & Public Safety (JC), 04/08/98, 2 45 pm, 314-HOB—If received—Meeting cancelled
 04/14/98 HOUSE Withdrawn from Business Regulation & Consumer Affairs (EIC) -HJ 00571, Now in Law Enforcement & Public Safety (JC), On Committee agenda—Law Enforcement & Public Safety (JC), 04/14/98, 1 30 pm, 314-HOB, Comm Action -Unanimously Favorable with 3 amendment(s) by Law Enforcement & Public Safety (JC) -HJ 00689
 04/16/98 HOUSE Pending Consent Calendar -HJ 00689
 04/21/98 HOUSE Available for Consent Calendar
 04/24/98 HOUSE Placed on Consent Calendar, Read second time -HJ 01255, Amendment(s) adopted -HJ 01255
 04/28/98 HOUSE Read third time -HJ 01449, Amendment(s) adopted -HJ 01449, Passed as amended, YEAS 115 NAYS 0 -HJ 01449
 04/28/98 SENATE In Messages
 05/01/98 SENATE Died in Messages

H 4025 GENERAL BILL by Carlton; (CO-SPONSORS) Brown; Saunders; Andrews; Heyman; D. Prewitt; Chestnut, Silver (Compare H 4227, CS 2224)

- Commercial Game Promotions, revises provisions re game promotions in connection with sale of consumer products or services, redesignates such game promotions as commercial game promotions, requires registration of game promotions, provides for notification of winners, requires Dept of State to keep certified list of such winners for specified period of time, revises powers of Dept of State & Atty General re operation of game promotions, etc Amends 849 094, 721 111 Effective Date Upon becoming law
- 03/05/98 HOUSE Filed
 03/06/98 HOUSE Introduced -HJ 00145
 03/13/98 HOUSE Referred to Regulated Services (EIC), Civil Justice & Claims (JC), Transportation & Economic Development Appropriations -HJ 00239
 03/17/98 HOUSE On Committee agenda—Regulated Services (EIC), 03/23/98, 1 30 pm, 16-HOB
 03/23/98 HOUSE Comm Action Favorable with 1 amendment(s) by Regulated Services (EIC) -HJ 00360
 03/25/98 HOUSE Now in Civil Justice & Claims (JC) -HJ 00360
 04/01/98 HOUSE On Committee agenda—Civil Justice & Claims (JC), 04/08/98, 2 52 pm, 102-HOB—Meeting cancelled
 04/09/98 HOUSE On Committee agenda—Civil Justice & Claims (JC), 04/14/98, 1 32 pm, 102-HOB
 04/14/98 HOUSE Comm Action Favorable with 1 amendment(s) by Civil Justice & Claims (JC) -HJ 00743
 04/20/98 HOUSE Now in Transportation & Economic Development Appropriations -HJ 00743
 05/01/98 HOUSE Died in Committee on Transportation & Economic Development Appropriations

H 4027 GENERAL BILL/CS/1ST ENG by Water & Resource Management (GRC); Littlefield; (CO-SPONSORS) Fasano; Carlton (Similar H 4687, CS 1442, Compare CS/1ST ENG/H 3507, S 1368, S 1622)

- Regional Water Supply Authorities, provides that member government is not considered party in administrative proceedings under certain conditions, revises criteria for governance of West Coast Regional Water Supply Authority & its member governments under interlocal agreements, repeals certain provision re process for review of consumptive use permit; prohibits adoption of certain actions by the Miami River Commission unless by required minimum vote, etc Amends FS Effective Date 06/10/1998
- 03/05/98 HOUSE Filed
 03/06/98 HOUSE Introduced -HJ 00145
 03/13/98 HOUSE Referred to Water & Resource Management (GRC), General Government Appropriations -HJ 00239
 03/18/98 HOUSE On Committee agenda—Water & Resource Management (GRC), 03/24/98, 3 45 pm, 102-HOB—Temporarily deferred
 03/24/98 HOUSE On Committee agenda—Water & Resource Management (GRC), 03/30/98, 3 45 pm, 102-HOB
 03/30/98 HOUSE Comm Action Unanimously CS by Water & Resource Management (GRC) -HJ 00468
 04/07/98 HOUSE CS read first time on 04/07/98 -HJ 00465
 04/06/98 HOUSE Now in General Government Appropriations -HJ 00468

(CONTINUED ON NEXT PAGE)

HISTORY OF HOUSE BILLS

H 4027 (CONTINUED)

04/08/98 HOUSE On Committee agenda—General Government Appropriations, 04/14/98, 3 45 pm, 214C—Withdrawn from committee

04/14/98 HOUSE Withdrawn from General Government Appropriations—HJ 00571, Pending Consent Calendar

04/17/98 HOUSE Available for Consent Calendar

04/24/98 HOUSE Placed on Consent Calendar, Read second time—HJ 01239

04/28/98 HOUSE Read third time—HJ 01440, CS passed, YEAS 117 NAYS 1—HJ 01440

04/28/98 SENATE In Messages, Received, referred to Natural Resources, Community Affairs—SJ 01094, Immediately withdrawn from Natural Resources, Community Affairs—SJ 01085, Substituted for CS/SB 1442—SJ 01086, Read second time—SJ 01086

04/29/98 SENATE Read third time—SJ 01162, Amendment(s) adopted—SJ 01162, CS passed as amended, YEAS 37 NAYS 0—SJ 01163

04/29/98 HOUSE In returning messages

04/30/98 HOUSE Concurred—HJ 01936, CS passed as amended, YEAS 115 NAYS 0—HJ 01937, Ordered engrossed, then enrolled—HJ 01937

05/01/98 Signed by Officers and presented to Governor

06/10/98 Approved by Governor, Chapter No 98—402

H 4029 LOCAL BILL by K. Pruitt (Identical S 2684)

St Lucie Co Port & Airport Auth provides for dissolution of said authority, provides for transfer of assets, including real property & liabilities of authority, to Board of County Commissioners of St Lucie Co, provides for contracts of this authority to remain in effect, provides for liberal construction, provides for repeal of chapter 97—377, Laws of Florida, provides for severability Effective Date 05/28/1998

03/05/98 HOUSE Filed

03/06/98 HOUSE Introduced—HJ 00145

03/13/98 HOUSE Referred to Community Affairs (GRC)—HJ 00239

03/24/98 HOUSE On Committee agenda—Community Affairs (GRC), 03/30/98, 3 45 pm, Morris Hall

03/30/98 HOUSE Comm Action—Unanimously Favorable by Community Affairs (GRC)—HJ 00445

04/02/98 HOUSE Placed on Calendar—HJ 00445

04/24/98 HOUSE Placed on Local Calendar, Read second and third times—HJ 01154, Passed, YEAS 120 NAYS 0—HJ 01154

04/24/98 SENATE In Messages

04/28/98 SENATE Received, referred to Rules and Calendar—SJ 01094

05/01/98 SENATE Withdrawn from Rules and Calendar, Placed on Local Calendar—SJ 01808, Read second and third times—SJ 01547, Passed, YEAS 40 NAYS 0—SJ 01547

05/01/98 HOUSE Ordered enrolled—HJ 02400

05/12/98 Signed by Officers and presented to Governor

05/28/98 Became Law without Governor's Signature, Chapter No 98—497

H 4031 GENERAL BILL/CS/2ND ENG by Community Affairs (GRC); Gay (Similar CS/S 1726, CS/2ND ENG/S 2474, Compare CS/2ND ENG/H 3111) State & Local Comprehensive Planning renames Resource Planning & Management Division, modifies de minimis standards for transportation concurrency, prohibits local governments from amending comprehensive plans until after adoption of evaluation & appraisal report, authorizes adoption of optional sector plans under certain circumstances, requires municipality to notify county of voluntary annexation ordinances, etc Amends FS Appropriation \$50,000 Effective Date Upon becoming law except as otherwise provided

03/05/98 HOUSE Filed

03/06/98 HOUSE Introduced—HJ 00145

03/18/98 HOUSE On Committee agenda—Community Affairs (GRC), 03/24/98, 3 45 pm, Morris Hall—Not received

03/27/98 HOUSE Referred to Community Affairs (GRC)—HJ 00380, On Committee agenda—Community Affairs (GRC), 03/30/98, 3 45 pm, Morris Hall

03/30/98 HOUSE Comm Action—Unanimously CS by Community Affairs (GRC)—HJ 00558

04/13/98 HOUSE CS read first time on 04/13/98—HJ 00557, Pending Consent Calendar—HJ 00558

04/16/98 HOUSE Available for Consent Calendar, Objection filed, Placed on Governmental Responsibility Council Calendar—HJ 00688

04/20/98 HOUSE Temporarily postponed, on Second Reading—Retained on Governmental Responsibility Council Calendar—HJ 00730

04/21/98 HOUSE Temporarily postponed, on Second Reading—Retained on Governmental Responsibility Council Calendar—HJ 00957

04/22/98 HOUSE Temporarily postponed, on Second Reading—Retained on Governmental Responsibility Council Calendar—HJ 00992

H 4031 (CONTINUED)

04/24/98 HOUSE Read second time—HJ 01097, Amendment(s) adopted—HJ 01098, Amendment pending—HJ 01110, Pending amendment tabled in lieu of substitute amendment—HJ 01334

04/28/98 HOUSE Read third time—HJ 01541, Amendment(s) adopted—HJ 01542, CS passed as amended, YEAS 117 NAYS 0—HJ 01543

04/28/98 SENATE In Messages

05/01/98 SENATE Died in Messages, Iden/Sum/Compare Bill(s) passed, refer to CS/SB 2474 (Ch 98—176)

H 4033 LOCAL BILL by Maygarden; (CO-SPONSORS) Burroughs; Melvin; Peaden; Ritchie
Pensacola City Council Elections (Escambia Co) provides for establishing date of Pensacola city council elections & alternative method of qualifying candidate for ballot by city ordinance, provides for repeal of conflicting laws, provides for severability Effective Date 05/28/1998

03/05/98 HOUSE Filed

03/06/98 HOUSE Introduced—HJ 00145

03/13/98 HOUSE Referred to Community Affairs (GRC)—HJ 00239

03/24/98 HOUSE On Committee agenda—Community Affairs (GRC), 03/30/98, 3 45 pm, Morris Hall

03/30/98 HOUSE Comm Action—Unanimously Favorable by Community Affairs (GRC)—HJ 00445

04/02/98 HOUSE Placed on Calendar—HJ 00445

04/24/98 HOUSE Placed on Local Calendar, Read second and third times—HJ 01155, Passed, YEAS 120 NAYS 0—HJ 01155

04/24/98 SENATE In Messages

04/28/98 SENATE Received, referred to Rules and Calendar—SJ 01094

05/01/98 SENATE Withdrawn from Rules and Calendar, Placed on Local Calendar—SJ 01808, Read second and third times—SJ 01547, Passed, YEAS 40 NAYS 0—SJ 01547

05/01/98 HOUSE Ordered enrolled—HJ 02400

05/12/98 Signed by Officers and presented to Governor

05/28/98 Became Law without Governor's Signature, Chapter No 98—498

H 4035 GENERAL BILL/CS/2ND ENG by Elder Affairs & Long Term Care (GSC); Roberts-Burke (Similar CS/S 1872, Compare CS/H 3565, H 4517, CS/CS/1ST ENG/S 0714, CS/1ST ENG/S 1706)
Adult Family-care Homes, revises legislative intent & purpose, revises definitions, requires adult family-care home providers to meet certain screening requirements, revises requirements for licensure application & renewal, revises requirements for rules re appropriate placement of residents, revises provisions re injunctive relief, requires certain information to be provided to residents' legal representatives, etc Amends Ch 400, 419 001 Effective Date 10/01/1998

03/05/98 HOUSE Filed

03/06/98 HOUSE Introduced—HJ 00145

03/13/98 HOUSE Referred to Elder Affairs & Long Term Care (GSC), Governmental Rules & Regulations (GRC)—HJ 00239; On Committee agenda—Elder Affairs & Long Term Care (GSC), 03/19/98, 3 45 pm, 413C

03/19/98 HOUSE Comm Action Unanimously CS by Elder Affairs & Long Term Care (GSC)—HJ 00387

03/31/98 HOUSE CS read first time on 03/31/98—HJ 00385

03/26/98 HOUSE Now in Governmental Rules & Regulations (GRC)—HJ 00387, On Committee agenda—Governmental Rules & Regulations (GRC), 03/30/98, 3 45 pm, 314-HOB

03/30/98 HOUSE Comm Action—Unanimously Favorable with 2 amendment(s) by Governmental Rules & Regulations (GRC)—HJ 00436

04/01/98 HOUSE Pending Consent Calendar—HJ 00436

04/06/98 HOUSE Available for Consent Calendar

04/16/98 HOUSE Placed on Consent Calendar, Read second time—HJ 00652, Amendment(s) adopted—HJ 00652, Read third time—HJ 00653, CS passed as amended, YEAS 116 NAYS 0—HJ 00653, Immediately certified—HJ 00677

04/16/98 SENATE In Messages

04/21/98 SENATE Received, referred to Children, Families and Seniors, Ways and Means—SJ 00755

04/23/98 SENATE Withdrawn from Children, Families and Seniors, Ways and Means—SJ 00831, Substituted for CS/SB 1872—SJ 00831, Read second time—SJ 00831, Amendment(s) adopted—SJ 00831

04/24/98 SENATE Read third time—SJ 00880, CS passed as amended, YEAS 39 NAYS 0—SJ 00880, Immediately certified—SJ 00880

04/24/98 HOUSE In returning messages

04/29/98 HOUSE Concurred—HJ 01683, CS passed as amended, YEAS 117 NAYS 0—HJ 01686, Ordered engrossed, then enrolled—HJ 01686

05/14/98 Signed by Officers and presented to Governor

(CONTINUED ON NEXT PAGE)

HISTORY OF SENATE BILLS

S 1440 (CONTINUED)

- 04/24/98 SENATE Read third time -SJ 00883, CS passed, YEAS 37 NAYS 0 -SJ 00883, Immediately certified -SJ 00883
- 04/24/98 HOUSE In Messages
- 04/28/98 HOUSE Received -HJ 01550, In Governmental Responsibility Council, pending ranking -HJ 01550
- 04/29/98 HOUSE Substituted for HB 4791 -HJ 01591, Read second time -HJ 01591, Amendment(s) adopted -HJ 01591, Read third time -HJ 01617, CS passed as amended, YEAS 115 NAYS 0 -HJ 01617
- 04/29/98 SENATE In returning messages
- 05/01/98 SENATE Was taken up -SJ 01583, Amendment(s) to House amendment(s) adopted -SJ 01608, Concurred in House amendment(s) as amended -SJ 01608, Requested House to concur -SJ 01608, CS passed as amended, YEAS 39 NAYS 0 -SJ 01608
- 05/01/98 HOUSE In returning messages, Concurred -HJ 02202, CS passed as amended, YEAS 118 NAYS 0 -HJ 02203
- 05/01/98 SENATE Ordered engrossed, then enrolled -SJ 01818
- 05/08/98 Signed by Officers and presented to Governor
- 05/24/98 Became Law without Governor's Signature, Chapter No 98-200, See also CS/SB 846 (Ch 98-105)

S 1442 GENERAL BILL/CS by Natural Resources; Latvala (Similar CS/1ST ENG/H 4027, H 4687, Compare S 1622)

- Regional Water Supply Authorities, provides that member government is not considered party in administrative proceedings under certain conditions, revises criteria for governance of West Coast Regional Water Supply Authority & its member governments under interlocal agreements, repeals certain provision re process for review of consumptive use permit, provides for arbitration of certain controversies concerning water use, etc Amends FS Effective Date Upon becoming law
- 02/23/98 SENATE Prefiled
- 02/26/98 SENATE Referred to Natural Resources, Community Affairs
- 03/03/98 SENATE Introduced, referred to Natural Resources, Community Affairs -SJ 00089
- 04/09/98 SENATE On Committee agenda—Natural Resources, 04/14/98, 3 00 pm, Room-A(LL-37)
- 04/14/98 SENATE Comm Action CS by Natural Resources -SJ 00498, CS read first time on 04/16/98 -SJ 00501
- 04/16/98 SENATE Now in Community Affairs -SJ 00498, On Committee agenda—Community Affairs, 04/20/98, 9 00 am, Room-309C—Not considered
- 04/23/98 SENATE Withdrawn from Community Affairs -SJ 00828, Placed on Calendar
- 04/27/98 SENATE Placed on Special Order Calendar -SJ 00982
- 04/28/98 SENATE Placed on Special Order Calendar -SJ 00982, -SJ 01092, House Bill substituted -SJ 01086, Laid on Table, Iden./Sim./Compare Bill(s) passed, refer to CS/HB 4027 (Ch 98-402)

S 1444 GENERAL BILL by Ostalkiewicz; (CO-SPONSORS) Harris (Similar CS/1ST ENG/H 1795, Compare 1ST ENG/H 2109)

- Sales Tax Exempt/Advertising Agency, defines term "advertising agency", exempts from tax certain purchases by advertising agencies, provides for retroactive applicability in certain circumstances Amends 212 08 Effective Date 07/01/1998
- 02/23/98 SENATE Prefiled
- 02/26/98 SENATE Referred to Ways and Means Subcommittee E (Finance and Tax), Ways and Means, Commerce and Economic Opportunities
- 03/03/98 SENATE Introduced, referred to Ways and Means Subcommittee E (Finance and Tax), Ways and Means, Commerce and Economic Opportunities -SJ 00089
- 03/06/98 SENATE On Committee agenda—Ways and Means Subcommittee E (Finance and Tax), 03/11/98, 9 00 am & 3 30 pm, Room-B(LL-42)
- 03/11/98 SENATE Subcommittee Recommendation Favorable by Ways and Means Subcommittee E (Finance and Tax) -SJ 00148, Now in Ways and Means -SJ 00148
- 05/01/98 SENATE Died in Committee on Ways and Means

S 1446 GENERAL BILL by Ostalkiewicz; (CO-SPONSORS) Grant; Williams; Myers

- Health Insurance/Small Business, provides limitations on coverage that must be included under health benefit plans issued by small business carriers under "Employee Health Care Access Act" Amends 627 6699 Effective Date 07/01/1998
- 02/23/98 SENATE Prefiled
- 02/26/98 SENATE Referred to Banking and Insurance, Commerce and Economic Opportunities
- 03/03/98 SENATE Introduced, referred to Banking and Insurance, Commerce and Economic Opportunities -SJ 00089

S 1446 (CONTINUED)

- 04/09/98 SENATE On Committee agenda—Banking and Insurance, 04/14/98, 9 00 am, Room-EL—Temporarily postponed
- 05/01/98 SENATE Died in Committee on Banking and Insurance

S 1448 RESOLUTION by Cowin (Similar H 9531)

- Retirees of Florida, expresses Senate appreciation & gratitude to state's retired citizens for all of their contributions & declares these retirees one of Florida's most valued resources
- 02/23/98 SENATE Prefiled
- 04/15/98 SENATE Introduced -SJ 00460, Adopted, See also HR 9531 (Adopted) -SJ 00460

S 1450 GENERAL BILL/CS/1ST ENG by Ways and Means; Bankhead; (CO-SPONSORS) Lee; Clary; Hargrett; Sullivan; McKay; Crist; Cowin (Similar CS/CS/H 3899, Compare 1ST ENG/H 0063, S 1566)

- Intangible Personal Property Taxes, defines terms "ministerial function" & "processing activity" for purposes of Intangible Personal Property Taxes provisions, increases minimum amount of annual intangible personal property tax which person may be required to pay, exempts stock options granted to employees by employer & stock purchased by employees under certain conditions, revises penalty for late filing of annual intangible tax return, etc Amends Chs 199, 220, 624 509 Effective Date 07/01/1998 except as otherwise provided
- 02/23/98 SENATE Prefiled
- 02/26/98 SENATE Referred to Ways and Means
- 03/03/98 SENATE Introduced, referred to Ways and Means -SJ 00089
- 03/23/98 SENATE On Committee agenda—Ways and Means, 03/26/98, 2 30 pm, Room-EL
- 03/26/98 SENATE Comm Action -CS by Ways and Means -SJ 00344, CS read first time on 04/01/98 -SJ 00348
- 03/30/98 SENATE Placed on Calendar -SJ 00344
- 04/28/98 SENATE Placed on Special Order Calendar -SJ 01092
- 04/29/98 SENATE Placed on Special Order Calendar -SJ 01092, Read second time -SJ 01104, Amendment(s) failed -SJ 01104, Amendment(s) adopted -SJ 01107, Read third time -SJ 01107, CS passed as amended, YEAS 37 NAYS 0 -SJ 01107
- 04/29/98 HOUSE In Messages
- 04/30/98 HOUSE Received -HJ 01961, Read second and third times -HJ 01962, CS passed, YEAS 117 NAYS 0 -HJ 01962
- 04/30/98 SENATE Ordered enrolled -SJ 01526
- 05/06/98 Signed by Officers and presented to Governor
- 05/22/98 Became Law without Governor's Signature, Chapter No 98-132

S 1452 GENERAL BILL/CS by Regulated Industries; Dudley (Compare CS/CS/1ST ENG/H 3321, CS/S 1624)

- Condominiums/Cooperative Property, defines term "buyer", conforms cross-reference Amends 718 103, 719 103, 721 05 Effective Date Upon becoming law
- 02/23/98 SENATE Prefiled
- 02/26/98 SENATE Referred to Regulated Industries
- 03/03/98 SENATE Introduced, referred to Regulated Industries -SJ 00089, On Committee agenda—Regulated Industries, 03/05/98, 9 00 am, Room-EL
- 03/05/98 SENATE Comm Action -CS by Regulated Industries -SJ 00136, CS read first time on 03/09/98 -SJ 00142
- 03/09/98 SENATE Placed on Calendar -SJ 00136
- 04/22/98 SENATE Placed on Special Order Calendar -SJ 00813
- 04/23/98 SENATE Placed on Special Order Calendar -SJ 00813
- 04/24/98 SENATE Placed on Special Order Calendar -SJ 00868, Read second time -SJ 00910
- 04/27/98 SENATE Read third time -SJ 00973, CS passed, YEAS 38 NAYS 0 -SJ 00973
- 04/27/98 HOUSE In Messages
- 05/01/98 HOUSE Died in Messages, Iden./Sim./Compare Bill(s) passed, refer to CS/CS/HB 3321 (Ch 98-322)

S 1454 RESOLUTION by Cowin; (CO-SPONSORS) Kirkpatrick (Similar H 9559)

- Munroe Regional Medical Center, commends Munroe Regional Medical Center & its staff for providing outstanding medical care to people of Ocala, Marion Co., & surrounding region for last 100 years
- 02/23/98 SENATE Prefiled
- 04/15/98 SENATE Introduced -SJ 00460, Adopted, See also HR 9559 (Adopted) -SJ 00460

S 1456 GENERAL BILL/CS/CS by Community Affairs, Transportation; (CO-SPONSORS) Hargrett (Similar H 4751)

- Economic Development/Transportation, requires certain ports to identify certain spoil disposal sites, provides that certain ports & inland navigation districts are not required to pay fees for activities involving use of sovereign lands, provides that plans & programs developed by metropolitan planning

HISTORY OF HOUSE BILLS

H 4675 (CONTINUED)

Aquaculture, provides exception to rulemaking authority of Marine Fisheries Commission re specified marine life, provides that marine aquaculture producers shall be regulated by Agric & Consumer Services Dept., revises provisions re issuance & renewal of saltwater products licenses & special activity licenses, revises responsibilities of Fisheries Division of G&FWFC re freshwater organisms, etc Amends Chs 370, 372, 403, 597 Effective Date Contingent

04/03/98 HOUSE Filed, Introduced -HJ 00447

04/13/98 HOUSE Referred to General Government Appropriations -HJ 00555

04/20/98 HOUSE On Committee agenda--General Government Appropriations, 04/21/98, 10 15 am, 214C

04/21/98 HOUSE Comm Action -Unanimously Favorable by General Government Appropriations -HJ 00999

04/22/98 HOUSE Pending Consent Calendar -HJ 00999

04/23/98 HOUSE Placed on General Calendar, Read second time -HJ 01064

04/24/98 HOUSE Temporarily postponed, on Third Reading

04/28/98 HOUSE Read third time -HJ 01478, Passed, YEAS 118 NAYS 0 -HJ 01478

04/28/98 SENATE In Messages

05/01/98 SENATE Died in Messages, Iden/Sim /Compare Bill(s) passed, refer to CS/HB 3673 (Ch 98-333), CS/SB 1506 (Ch 98-203)

H 4677 GENERAL BILL by Wasserman Schultz (Similar 2ND ENG/H 4763, CS/CS/S 2188)

Weight Loss Practices Act transfers Florida Commercial Weight-Loss Practices Act from provisions re consumer protection to provisions re professions & occupations, redefines activity that constitutes weight-loss program, revises certain notice requirements, transfers regulatory authority from Agriculture & Consumer Services Dept to Health Dept, requires weight-loss providers to obtain permits, requires display of permits, etc Amends Chs 501, 468, 455 604 Effective Date Contingent

04/03/98 HOUSE Filed, Introduced -HJ 00447

04/13/98 HOUSE Referred to Business Regulation & Consumer Affairs (EIC), Health Care Standards & Regulatory Reform (GSC), Governmental Operations (GRC), Health & Human Services Appropriations -HJ 00555

05/01/98 HOUSE Died in Committee on Business Regulation & Consumer Affairs (EIC)

H 4679 GENERAL BILL by Children & Family Empowerment (GSC); Lacasa; (CO-SPONSORS) Putnam (Similar CS/S 0866, Compare CS/2ND ENG/S 1114, CS/CS/2ND ENG/S 2524)

WAGES Program Transportation authorizes school districts to provide transportation for WAGES participants, provides for reimbursement of school districts, establishes responsibilities of DOT re transit services for WAGES participants, revises membership of WAGES Program State Board of Directors, clarifies transportation options available to local WAGES coalitions to assist WAGES participants, etc Amends Chs 234, 341, 414, 427 Effective Date Upon becoming law

04/03/98 HOUSE Filed, Introduced -HJ 00447

04/13/98 HOUSE In Government Services Council, pending ranking -HJ 00555

04/16/98 HOUSE Placed on Government Services Council Calendar -HJ 00689

04/20/98 HOUSE Temporarily postponed, on Second Reading--Retained on Government Services Council Calendar -HJ 00702

04/21/98 HOUSE Temporarily postponed, on Second Reading--Retained on Government Services Council Calendar -HJ 00750

05/01/98 HOUSE Died on Calendar, Iden/Sim/Compare Bill(s) passed, refer to CS/SB 1114 (Ch 98-57)

H 4681 GENERAL BILL by Health Care Standards & Regulatory Reform (GSC); Jones (Similar CS/1ST ENG/S 2128, Compare 2ND ENG/H 4119, CS/3RD ENG/S 1498)

Regulation of Professions, revises probable cause provisions & eliminates or revises obsolete references, authorizes Health Dept & regulatory boards thereunder to refuse to issue initial license under circumstances re ongoing investigations or prosecutions; provides for certain alternative continuing education credit, requires certain applicants for restricted licensure as physician to submit set of fingerprints, corrects cross references, etc Amends FS Effective Date Contingent

04/03/98 HOUSE Filed, Introduced -HJ 00447

04/13/98 HOUSE Referred to Transportation & Economic Development Appropriations -HJ 00555

04/16/98 HOUSE Withdrawn from Transportation & Economic Development Appropriations -HJ 00619, In Government Services Council, pending ranking, Placed on Government Services Council Calendar -HJ 00689

04/20/98 HOUSE Read second time -HJ 00702

04/21/98 HOUSE Read third time -HJ 00749, Passed, YEAS 117 NAYS 0 -HJ 00749

04/21/98 SENATE In Messages

04/22/98 SENATE Received, referred to Health Care -SJ 00823

H 4681 (CONTINUED)

05/01/98 SENATE Died in Committee on Health Care, Iden/Sim/Compare Bill(s) passed, refer to CS/SB 2128 (Ch 98-166), CS/SB 1498 (Ch 98-202)

H 4683 GENERAL BILL by Starks (Similar S 0220, CS/CS/1ST ENG/S 1760, Compare H 1617)

Unemployment Compensation, revises definition for purposes of determining base period, includes additional calendar year for purposes of reducing certain tax rates, revises determinations of weekly benefit amount & duration of benefits Amends 443 036, 111 Effective Date Contingent

04/06/98 HOUSE Filed

04/07/98 HOUSE Introduced -HJ 00461

04/13/98 HOUSE Referred to Finance & Taxation (FRC), Transportation & Economic Development Appropriations -HJ 00555

04/20/98 HOUSE On Committee agenda--Finance & Taxation (FRC), 04/21/98, 10 15 am, Morris Hall--Temporarily deferred

05/01/98 HOUSE Died in Committee on Finance & Taxation (FRC)

H 4685 GENERAL BILL by Water & Resource Management (GRC); Carlton

Aquatic Plant Management transfers such management & control programs from DEP to G&FWFC, revises distribution of gasoline tax revenues, revises exemption from aquatic weed control permitting requirements, revises authority & references to conform to transfer of responsibilities under act, revises provisions re Fish & Wildlife Habitat Program of G&FWFC, corrects cross references, etc Amends Ch 369, 206 606, 372 074, 581 035, 145 Effective Date Contingent

04/03/98 HOUSE Filed

04/07/98 HOUSE Introduced -HJ 00461

04/13/98 HOUSE In Governmental Responsibility Council, pending ranking -HJ 00555

04/16/98 HOUSE Placed on Governmental Responsibility Council Calendar -HJ 00688

04/20/98 HOUSE Temporarily postponed, on Second Reading--Retained on Governmental Responsibility Council Calendar -HJ 00731

04/21/98 HOUSE Temporarily postponed, on Second Reading--Retained on Governmental Responsibility Council Calendar -HJ 00958

04/22/98 HOUSE Read second time -HJ 00992, Temporarily postponed on second reading; On Unfinished Business -HJ 00992

05/01/98 HOUSE Died on Calendar

H 4687 GENERAL BILL by Water & Resource Management (GRC); Carlton (Similar CS/1ST ENG/H 4027, CS/S 1442)

Regional Water Supply Authorities, provides that member government is not considered party in administrative proceedings under certain conditions, revises criteria for governance of authorities & member govts under interlocal agreements, repeals process for review of modification of consumptive use permit, provides for arbitration of controversies concerning water use, allows authority to indemnify its member governments, declares legislative intent to supersede other laws Amends FS Effective Date Upon becoming law

04/03/98 HOUSE Filed

04/07/98 HOUSE Introduced -HJ 00461

04/13/98 HOUSE In Governmental Responsibility Council, pending ranking -HJ 00555

04/16/98 HOUSE Placed on Governmental Responsibility Council Calendar -HJ 00688

04/20/98 HOUSE Temporarily postponed, on Second Reading--Retained on Governmental Responsibility Council Calendar -HJ 00731

04/21/98 HOUSE Read second time -HJ 00957

04/22/98 HOUSE Read third time -HJ 00991, Passed, YEAS 107 NAYS 2 -HJ 00991

04/22/98 SENATE In Messages

04/23/98 SENATE Received, referred to Natural Resources, Community Affairs -SJ 00872

05/01/98 SENATE Died in Committee on Natural Resources, Iden/Sim/Compare Bill(s) passed, refer to CS/HB 4027 (Ch 98-402)

H 4689 GENERAL BILL by Putnam (Similar S 1360)

Sales Tax Exemptions, provides that exemptions for machinery & equipment used to increase productive output shall apply to machinery & equipment used in phosphate or other solid mineral severance, mining, or processing as credit against taxes due under provisions re tax on severance & production of minerals Amends 212 08 Effective Date Contingent

04/03/98 HOUSE Filed

04/07/98 HOUSE Introduced -HJ 00461

04/13/98 HOUSE Referred to Business Development & International Trade (EIC), Finance & Taxation (FRC), General Government Appropriations -HJ 00555

04/16/98 HOUSE Withdrawn from Business Development & International Trade (EIC), Finance & Taxation (FRC), General Government Appropriations, Withdrawn from further consideration -HJ 00619

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(Citator reflects Florida Statute numbers listed in final passed bill—not necessarily final statutory placement. Verify with F.S. tracing tables.)

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735 301 S 2214, H 4259(98-421),
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****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
Water & Resource Management
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 4027
RELATING TO: Water resource development and supply
SPONSOR(S): Representative Littlefield
COMPANION BILL(S): SB 1622 (c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) Water & Resource Management YEAS 10 NAYS 0
- (2) General Government Appropriations-WITHDRAWN
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

The House passed CS/HB 4027 by a vote of 117-1 on April 28, 1998, and the Senate passed the bill the next day by a vote of 37-0. The governor signed the bill into law on June 10, 1998. CS/HB 4027 was designated chapter 98-402, Laws of Florida.

II. SUMMARY:

As passed by the Legislature, CS/HB 4027 assists in the implementation of the governance restructuring of the West Coast Regional Water Supply Authority (WCRWSA). Specifically, CS/HB 4027 would:

- o Under specific conditions limit the ability of member governments of any regional water supply authority, where an interlocal agreement had been signed pursuant to ss. 163.01 and 373.1962, F.S., to challenge decisions through the Chapter 120, F.S. Included are provisions for member governments to have either waived their rights to challenge or have agreed to participate in alternative dispute resolution.
- o Amend s. 373.1963, F.S., to require that the interlocal agreement comply with certain provisions. Among the more notable provisions, in accordance with s. 4, Art. VIII, of the Florida Constitution, the member governments are authorized to relinquish to WCRWSA their individual rights to develop potable water sources, without the vote of their electors, except as otherwise provided under the terms of the interlocal agreement. Also, member governments could not restrict the use of land for water supply purposes or impose a tax or fee upon WCRWSA in conjunction with water supply.
- o Authorize WCRWSA to use Part II of Chapter 159, F.S., for the financing of water supply facilities.
- o Provide that governmental or quasi-judicial boards or commissions established by local ordinance, general or special law, and whose members either serve on, or are appointed by, a member government, may be bound by the dispute resolution provisions in the agreement.
- o Protect the current authority of the Southwest Florida Water Management District and the Department of Environmental Protection.
- o Amend s. 682.02, F.S., to specifically provide that in written interlocal agreements that parties may agree to arbitrate water use permitting disputes and other matters.
- o Amend s. 768.28, F.S., to provide that regional water supply authorities may indemnify and assume certain liabilities.
- o Specify that certain changes to s. 373.1963, F.S., supersede conflicting statutory provisions, whether in general or special law, applying directly or indirectly to the exclusivity of water supply or withdrawal of water.

CS/HB 4027 also establishes the Miami River Commission, which will serve as the official clearinghouse for all public policy and projects relating to the Miami River (the establishment of the MRC originally in HB 3807)

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CS/HB 4027 would take effect upon becoming law.

I. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Regional Water Supply Authorities:

Section 4, Art. VIII, of the Florida Constitution, allows local governments, by law or resolution, to transfer any function or power to a special district. Section 373.1962, F.S., provides for the creation of regional water supply authorities to develop, recover, store and supply water for county and municipal purposes. It requires that such water supply and development be done so as to reduce adverse environmental impacts of excessive or improper withdrawals of water from concentrated areas. Section 373.1962(1), F.S., provides criteria for the DEP to follow in approving a regional water supply authority agreement. The powers and duties of the authorities include the following:

- levying ad valorem taxes;
- acquiring water and water rights;
- developing, storing and transporting water;
- collecting, treating and recovering wastewater; and
- exercising the power of eminent domain.

West Coast Regional Water Supply Authority

The West Coast Regional Water Supply Authority was created in 1974. It now has the following members: City of St. Petersburg, City of Tampa, and City of New Port Richey (a non-voting member), Hillsborough County, Pinellas County and Pasco County. WCRWSA owns and operates some water supply facilities as well as operating facilities owned by individual member governments. It has executed various water supply contracts with each member government and develops water to sell at cost to those governments. Under the existing organization of WCRWSA, any member government may decline to participate financially in the development of additional water supply capacity, in effect providing a "veto." That is, unless member governments choose to fund water supply development without the financial participation of one or more members who decline to participate, such projects are effectively blocked.

At the present time, WCRWSA operates as the primary wholesale water supplier in the Tampa Bay region. WCRWSA supplies potable water to these six member governments at cost, and these local governments in turn supply water to roughly 1.8 million residents. Currently, WCRWSA possesses a total production capacity of 289.1 million gallons per day, although actual usage for fiscal year 1995 amounted to approximately 216 million gallons per day.

WCRWSA stands at the center of the controversy in the northern Tampa Bay area over widespread environmental damage in Hillsborough and Pasco counties.

Residents in these counties have watched wetlands, lakes and wells dry up primarily because of pumping by WCRWSA. Moreover, questions have arisen about whether WCRWSA can successfully meet the water needs of the Tampa Bay region. These concerns primarily center on whether its existing governance structure prevents effective water management. In response to these concerns and pursuant to legislative directive as embodied in section 373.1963, F.S., the member governments are negotiating a voluntary agreement designed to transform WCRWSA into a more effective regional wholesale water supplier.

Recent Legislative Direction To WCRWSA

Recognizing the need to reorganize WCRWSA, the 1996 Legislature amended s. 373.1963, F.S., to require WCRWSA to develop an evaluation and recommendation addressing a change in its governance structure. This evaluation and recommendation was due to the Speaker of the House and the President of the Senate by February 1, 1997. WCRWSA prepared and sent to the Speaker and the President this evaluation and recommendation in January of 1997.

In light of this report, the 1997 Legislature returned to the issue of the internal governance of WCRWSA. This time the Legislature amended s. 373.1963, F.S., to provide for a **voluntary** interlocal agreement designed to transform WCRWSA into the exclusive wholesale water supplier in the Tampa Bay region. The voluntary interlocal agreement set out in s. 373.1963, F.S., would achieve this transformation of WCRWSA in two basic ways. First, it expands the scope of WCRWSA's authority by requiring member governments to relinquish to WCRWSA their individual rights to develop potable water sources and by establishing WCRWSA as the exclusive wholesale potable water supplier for all members. To this end, the voluntary interlocal agreement provides that WCRWSA shall acquire full or lesser interests in **all regionally significant wholesale water supply facilities** owned by member governments. Finally, s. 373.1963, F.S., requires this voluntary interlocal agreement to set a uniform per gallon wholesale rate and allocate all capital and operation costs for both existing and future facilities to the members based on water usage.

Second, the voluntary interlocal agreement would change the internal governance structure of WCRWSA. Specifically, WCRWSA would be governed by a Board of Commissioners consisting of nine voting members, all of whom would be elected officials. Under the voluntary interlocal agreement, the majority vote of the member governments (and in some cases, the super-majority vote) would bind West Coast in all matters relating to funding of wholesale water supply, production, delivery, and related activities.

Update On Current Negotiations Involving WCRWSA

The WCRWSA member governments are continuing to negotiate an agreement along the lines of the voluntary interlocal agreement provided in s. 373.1963, F.S. Consistent with s. 373.1963, F.S., this agreement is currently drafted to place all water supply facilities producing more than a million gallons a day in WCRWSA's control, except that the City of Tampa can continue to draw surface water from the Hillsborough River and Tampa Bypass Canal. Along with WCRWSA acquiring existing water supply facilities, the member governments have agreed to relinquish their rights to develop potable water supplies. The negotiations over governance also are focused on the development of a master water supply contract to replace

the multitude of existing "water supply entitlement" contracts between WCRWSA and the various member governments. Finally, to acquire the facilities, the member governments have agreed to the use cash or a credit system. Under this credit system, WCRWSA would sell water to the member governments at a uniform wholesale rate from which WCRWSA would deduct the value of whatever water supply facilities the respective member government turned over to WCRWSA. These credits would end after 30 years.

Separate from the governance negotiations, WCRWSA and SWFWMD are discussing a "Partnership Plan" to address the planning and funding of additional water supply sources in the Tampa Bay region. Under the mandates of ss. 373.042 and 373.0421, F.S., SWFWMD must set minimum flows and levels for water resources in the territory of WCRWSA. It is expected that the establishment of these minimum flows and levels will reduce the amount of groundwater available for use by WCRWSA to supply potable water. This "Partnership" agreement between WCRWSA and SWFWMD represents an attempt to address the anticipated impact of reduced groundwater withdrawals and to develop additional water supply sources without resort to further litigation. Pursuant to s. 373.1963(1)(f), F.S., WCRWSA and SWFWMD must develop alternative sources of potable water to meet the needs of the member governments for at least 20 years and for natural systems. WCRWSA and SWFWMD must mutually bear development and construction costs for the above infrastructure.

To achieve this goal, SWFWMD plans to integrate the "Partnership" agreement into its recovery strategy for the existing wellfields in Hillsborough, Pasco, and Pinellas counties. In addition, and to help reduce the reliance on groundwater, the "Partnership" agreement envisions annual funding from SWFWMD to WCRWSA and its members for water conservation and reclamation. The "Partnership" agreement also contemplates that SWFWMD would provide WCRWSA with \$183 million for the development of new water sources. Overall, this portion of the agreement aims to bring 85 million gallons per day of new water on line in the next 10 years while reducing pumping from the WCRWSA system from 144 million gallons per day to 90 million gallons per day.

Miami River Commission

The Miami River is a river of historical, commercial, environmental and aesthetic significance. It flows through downtown, historic neighborhoods, public parks and a wide variety of commercial activity. There are 32 privately owned shipping terminals along the Miami River. As the fifth largest seaport in Florida, it handled about \$4 billion in cargo in 1997. Because trade with the Caribbean and Central and South America is projected to increase at a steady rate and the location of the Miami River is ideal for capturing that portion of trade originating in ports such as Caredenas, Mariel, Isabela, and Trinidad, Miami could benefit from increased trade and with that rising numbers of jobs. The Miami River also is the largest tributary to Biscayne Bay, and thus threatens the ecosystem of the bay by carrying high concentrations of pollutants.

At least 36 different agencies, in four different levels of government (federal, state, county, and municipal) have some jurisdiction over the Miami River. The lack of unification results in management obstacles. In 1991, the Dade County Grand Jury conducted a study of the Miami River which focused on governance and accountability,

sources of pollution, and dredging of the Miami River. The Grand Jury recommended that the entire operational and environmental integrity of the river be addressed. In its conclusion, the Grand Jury stated "...more aggressive action needs to be taken. Action, not more studying of the river's problems, needs to occur today. The Miami River needs its priority status increased at all levels within the public and private sector."

In 1997, the Florida Legislature created the Miami River Study Commission to "conduct a comprehensive study and review of the restoration and enhancement of the Miami River and Biscayne Bay." Once again, the recommendations called for specific actions. One of those recommendations is for the creation of the MRC.

B EFFECT OF PROPOSED CHANGES:

As passed by the Legislature, CS/HB 4027 assists in the implementation of the governance restructuring of WCRWSA. In order to simplify the discussion of the effect of this bill, the changes are roughly grouped into those changes affecting the organization of WCRWSA and those involving external law.

As to those changes related to the organization of WCRWSA, CS/HB 4027 is generally consistent with the existing statutory direction found in ss. 373.1962 and 373.1963, F.S., as well as the recommendations received by the Legislature from WCRWSA. The amended s. 373.1963(1)(b), F.S., provides in accordance with s. 4, Art. VIII, of the Florida Constitution, that the member governments of WCRWSA are authorized to enter into a interlocal agreement with the following terms without the vote of their electors:

-- member governments relinquish to WCRWSA their individual rights to develop potable water sources except as otherwise provided in the interlocal agreement;

-- member governments may not restrict the use of land by WCRWSA for water supply purposes;

-- member governments may not impose any tax or fee upon WCRWSA in conjunction with the production or the supply of water not otherwise provided for in the interlocal agreement;

-- WCRWSA may use the powers of Part II, Chapter 159, F.S., for financing water supply facilities; and

-- member governments and any board or commission associated with member governments agreeing to be bound by the interlocal agreement shall be limited to the procedures in the agreement with regard to action that directly or indirectly restricts the use of lands or other activities related to the production or supply of water.

However, unlike the existing language in s. 373.1963, F.S., CS/HB 4027 requires that if the parties undertake governance that the resultant interlocal agreement **must** comply with certain existing requirements:

- the parties agree that cooperative efforts are mandatory to supply adequate and dependable water without adverse environmental effects upon areas where water is withdrawn;
- WCRWSA shall acquire full or lesser interests in all regionally significant wholesale water supply facilities owned by member governments at an agreed upon price;
- WCRWSA shall charge a uniform wholesale rate to member governments for the wholesale supply of potable water;
- the interlocal agreement may include alternative dispute resolution procedures for water use permitting;
- provisions relating to the “partnership plan” between SWFWMD and WCRWSA; and
- unless otherwise provided in the interlocal agreement, the WCRWSA board shall consist of nine voting members, all of whom must be elected officials (with two from Hillsborough, Pasco and Pinellas counties, respectively; and one from the City of Tampa, the City of New Port Richey, and the City of St. Petersburg, respectively).

CS/HB 4027 also repeals s. 373.1963(5), F.S. When requested by a member government of the West Coast Regional Water Supply Authority, this section requires SWFWMD to review whether a water withdrawal within the jurisdictional boundaries of the member government is in compliance with applicable permits and regulations.

With regard to external changes, CS/HB 4027 amends a number of sections of law in order to ensure the effective implementation of the governance restructuring. First, the bill amends s. 120.52(12), F.S., to exclude from the definition of “party,” for purposes of the Florida APA, a member government to the extent that an interlocal agreement under ss. 163.01 and 373.1962, F.S., exists in which the member government agrees that its substantial interests are not affected or that it is bound by alternative dispute resolution. CS/HB 4027 provides that the exclusion is limited to only those particular types of disputes or controversies identified in an interlocal agreement.

The bill also amends s. 682.02, F.S. It specifically provides that in any written interlocal agreement under ss. 163.01 and 373.1962, F.S., that parties may agree to arbitrate any controversy between them concerning water use permitting and other matters.

The third and final external change relates to s. 768.28, F.S., which provides for the waiver of sovereign immunity. Basically, CS/HB 4027 provides that s. 768.28(18), F.S., does not preclude a regional water supply authority from the

indemnification and assumption of the liabilities associated with property acquired from member governments and arising from acts or omissions of the authority in performing the interlocal agreement.

Also, CS/HB 4027 adds that nothing in subsection (1) of s. 373.1963, F.S., shall modify the rights or responsibilities of SWFWMD or DEP pursuant to Chapters 373 and 403, F.S., and as otherwise set forth by statutes.

CS/HB 4027 provides that the provisions of the act supersede any conflicting provisions contained in all other general or special laws as they apply directly or indirectly to the exclusivity of water supply or withdrawal of water, including provisions relating to environmental effects. Moreover, the bill declares that its provisions are intended to be a complete revision of all laws related to a water supply authority created under ss. 373.1962 and 373.1963, F.S.

The very last portion of CS/HB 4027 establishes the Miami River Commission (MRC) to serve as the official clearinghouse for all public policy and projects relating to the Miami River to unite all governmental agencies, businesses, and residents in the area to speak with one voice on river issues. This bill will not affect or supersede the regulatory authority of any governmental agency or any local government and any responsibilities of any governmental entity relating to the Miami River will stay with such entity. However, any governmental entity may delegate specifically defined authority to the MRC, and the MRC may accept that authority. The MRC is authorized to seek and receive funding to implement river improvement projects of the MRC.

The MRC will have a managing director who has the responsibility to implement plans and programs and a working group consisting of all governmental agencies that have jurisdiction in the Miami River area, as well as representatives from business and civic associations. There also will be a policy committee comprised of the Governor, the chair of the Dade County legislative delegation, the chair of the governing board of the South Florida Water Management District, the Miami-Dade County State Attorney, the Mayor of Miami, the Mayor of Miami-Dade County, a commissioner of the City of Miami Commission, a commissioner of the Miami-Dade County Commission, the chair of the Miami River Marine Group, the chair of the Marine Council, the Executive Director of the Downtown Development Authority, and the chair of the Greater Miami Chamber of Commerce; two representatives, selected from the Spring Garden Neighborhood Association, the Grove Park Neighborhood Association, and the Miami River Neighborhood Enhancement Corporation, one appointed by the city commission and one appointed by the county commission, selected from a list of three names submitted by each such organization; one representative from an environmental or civic association, appointed by the Governor; and three members-at-large, who shall be persons who have a demonstrated history of involvement on the Miami River through business, residence, or volunteer activity, one appointed by the Governor, one appointed by the city commission, and one appointed by the county commission. All members shall be voting members.

The policy committee is to also include a member of the United States Congressional delegation and the Captain of the Port of Miami as a representative of the United States Coast Guard, as nonvoting, ex-officio members. The policy committee is to have specific powers and duties, including, but not limited to:

Consolidating existing programs into a coordinated strategic plan for the improvement of the Miami River, addressing environmental, economic, social, recreational, and aesthetic issues. The committee is to monitor and regularly revise the plan.

Preparing an integrated financial plan to be modeled after the South Florida Ecosystem Restoration Working Group.

Providing technical assistance and political support for implementing each element of the strategic and financial plans.

Accepting any specifically defined authority delegated to the committee by any level of government.

Publicizing a semiannual report.

Through these duties, the committee will serve to unite all the different governmental agencies, businesses and residents in the area and will provide a leader in Miami River projects.

CS/HB 4027 places two significant limitations on the ability of the MRC to set policy relating to the Miami River. First, the bill prohibits the MRC from taking any action or policy position that impacts or diminishes the level of currently permitted commercial activity on the Miami River or its riverfront properties unless passed by a unanimous vote of the appointed members of the commission then in office. The second limitation restricts the MRC in a similar fashion. The MRC shall not adopt any policy position or take any action to suggest or promote additional fees, taxes, charges, or other financial obligation on owners of riverfront properties or shipping companies or operators unless passed by a unanimous vote of all appointed members of the commission then in office.

Finally, CS/HB 4027 terminates the MRC on July 1, 2003, unless the Legislature after review of the effectiveness of the commission determines that it should be continued and reenacts provisions to do so.

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?

Assuming the parties execute the interlocal agreement, then member governments would lose the right to impose land use restrictions and tax or charge WCRWSA with regard to water supply activities.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes. Assuming the responsibility for the production of water from local governments, WCRWSA would manage a regional wholesale water supply system serving the people of the northern Tampa Bay area.

- (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?

Subject to the conditions of an interlocal agreement, the right of certain local governments to produce water would transfer to WCRWSA.

- (2) what is the cost of such responsibility at the new level/agency?

Indeterminate.

- (3) how is the new agency accountable to the people governed?

Under the terms of governance restructuring, the WCRWSA board would be comprised of elected officials who would represent the local government jurisdictions to be served.

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:

Not applicable.

4. Individual Freedom:

Not applicable

5. Family Empowerment:

Not applicable.

D. STATUTE(S) AFFECTED:

Sections 120.52(12), 373.1963(1), 373.1963(5), 682.02, and 768.28(18), F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 120.52(12), F.S., to exclude from the definition of "party" as used in the Florida APA a member government of a regional water supply authority or a governmental or quasi-judicial board or commission established by local ordinance or special or general law where the governing membership of said board or commission is shared with, in whole or in part, or appointed by a member government of a regional water supply authority in proceedings under ss. 120.569, 120.57, or 120.68, to the extent that an interlocal agreement under ss. 163.01 and 373.1962, F.S., exists in which the member government has agreed that its substantial interests are not affected by the proceedings or that it is to be bound by alternative dispute resolution in lieu of participating in the proceedings. Specifies that this exclusion applies only to those particular types of disputes or controversies, if any, identified in an interlocal agreement.

Section 2: Amends s. 373.1963, F.S., to authorize the implementation of changes in governance recommended by WCRWSA in its reports to the Legislature. Repeals s. 373.1963(5), F.S., that requires SWFWMD to review a water withdrawal within the jurisdictional boundaries of a member government of the West Coast Regional Water Supply Authority when requested to determine if the withdrawal is in compliance with applicable permits and regulations. Eliminates a reference to a supplemental report to be submitted to the President of the Senate and the Speaker of the House of Representatives. Provides that WCRWSA and its member governments may reconstitute WCRWSA's governance under a

voluntary interlocal agreement Requires that the interlocal agreement comply with certain existing provisions in law. Provides that in accordance with s. 4, Art. VIII, of the Florida Constitution and notwithstanding s. 163.01, F.S., that the interlocal agreement may include the following terms, which are considered approved by the parties without a vote of their electors, upon execution of the interlocal agreement by all member governments and upon satisfaction of all conditions precedent in the interlocal agreement. Provides that the interlocal agreement may include procedures for resolving their parties' differences regarding water management district proposed agency action in the water use permitting process within the authority. Eliminates provision stating that nothing herein or in said proceedings shall affect the rights of participants under Chapter 120. Provides that nothing in this section shall be construed to modify the rights or responsibilities of the authority, its member governments, except as otherwise provided herein, or the Southwest Florida Water Management or the department pursuant to Chapters 373 or 403 and as otherwise set forth by statutes. Provides that the provisions of this section supersede any conflicting provisions contained in all other general or special laws or provisions thereof as they may apply directly or indirectly to the exclusivity of water supply or withdrawal of water, including provisions relating to the environmental effects, if any, in conjunction with the production and supply of potable water. Provides that provisions of this section are intended to be a complete revision of all laws related to a water supply authority created under ss. 373.1962 and 373.1963, F.S.

Section 3. Amends s. 682.02, F.S., so that the section applies to written interlocal agreements under ss. 163.01 and 373.1962, F.S., in which two or more parties agree to submit to arbitration any controversy between them concerning water use permit applications and other matters, regardless of whether or not the water management district with jurisdiction over the subject application is a party to the interlocal agreement or a participant in the arbitration.

Section 4: Amends s. 768.28(18), F.S., to provide that the restrictions of this subsection do not prevent a regional water supply authority from indemnifying and assuming the liabilities of its member governments for obligations arising from past acts or omissions at or with property acquired from a member government by the authority and arising from the acts or omissions of the authority in performing activities contemplated by an interlocal agreement. Provides such indemnification may not be considered to increase or otherwise waive the limits of liability to third-party claimants established by this section.

Section 5: Creates the Miami River Commission. Provides for a policy committee, a managing director, and a working group. Specifies membership of the committee and provides powers and duties of the committee.

Section 6: Provides that no action or policy position that would impact or diminish currently permitted levels of commercial activity on the Miami River or its riverfront properties shall be adopted by the MRC unless passed by a unanimous vote of the appointed members of the commission then in office. Provides that no action or policy position suggesting, proposing or otherwise promoting additional fees, taxes, charges, etc. on the owners of riverfront property or shipping companies or operators shall be adopted by the MRC unless passed by a unanimous vote of the appointed members of the commission then in office.

Section 7: Provides that the MRC shall terminate on July 1, 2003, unless the Legislature determines that the commission should be continued and reenacts provisions providing for the commission's continuation.

Section 8: Provides that this act shall take effect upon becoming a law.

II FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Future requests may be made to the Legislature for funding the MRC's operations.

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:

Indeterminate. However, there are likely to be one-time fiscal impacts associated with the transfer of responsibility and infrastructure to WCRWSA from six local governments.

2. Recurring Effects:

Indeterminate. However, the loss of the rights to tax or charge water supply activities by WCRWSA may affect the member governments, depending upon the extent of WCRWSA's activities within their jurisdiction. (The interlocal agreement currently under negotiation attempts to address this issue.)

3. Long Run Effects Other Than Normal Growth:

Indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs.

Indeterminate. However, if the interlocal agreement becomes a reality, customers in certain local government jurisdiction may see higher water.

2. Direct Private Sector Benefits:

Indeterminate. However, if the interlocal agreement becomes a reality, customers in certain local government jurisdictions may see lower water.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

D FISCAL COMMENTS:

None.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Because CS/HB 4027 does not impose any mandatory condition on local governments, the bill does not trigger Article VII, Section 18 of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

CS/HB 4027 does not affect the revenue raising authority of counties or municipalities to raise revenues in the aggregate, as such authority existed on February 1, 1989.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

CS/HB 4027 does not reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1,

IV COMMENTS:

House Bill Drafting raised concerns about whether CS/HB 3807, which originally provided for the establishment of the MRC, violated Article 11, Section 5 of the Florida Constitution. This constitutional provision prohibits any person from holding more than one public office at one time. If service with the MRC actually constitutes the "holding of public office," then many members of the MRC designated in the bill would in fact violate the prohibition on

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holding dual public office. Because the Senate later amended CS/HB 3807 onto CS/HB 4027, the same concern about the prohibition on holding dual public office may apply to CS/HB 4027.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 30, 1998, members of the House Committee on Water and Resource Management unanimously adopted HB 4027 as a CS. On that same date, the Committee adopted two amendments to HB 4027.

The first amendment was a strike-everything amendment that modified the bill in order to make the necessary legislative changes to implement the governance restructuring of WCRWSA, as explained above. The committee also adopted an amendment to the amendment to make a technical change to the bill.

On April 28, 1998, the House passed CS/HB 4027 without any amendments by a vote of 117-1. Yet, on April 29, 1998, the Senate adopted an amendment to CS/HB 4027. In effect, this amendment engrafted CS/HB 3807, which provides for the establishment of the Miami River Commission, to the bill. Later, on April 29, 1998, the Senate passed CS/HB 4027 by a vote of 37-0.

VI SIGNATURE S

COMMITTEE ON Water & Resource Management:

Prepared by:

Legislative Research Director:

E. Palmer Mason

Joyce Pugh

FINAL RESEARCH PREPARED BY COMMITTEE ON Water & Resource Management:

Prepared by:

Legislative Research Director:

E. Palmer Mason

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SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: April 15, 1998 Revised: _____

Subject: Regional Water Supply Authorities

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Branning</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill provides that a member government of a regional water supply authority and certain quasi-judicial boards or commissions are not considered a parties in administrative proceedings under ch 120, F.S., under certain conditions. Provides that the interlocal agreement between the West Coast Regional Water Supply Authority (Authority) and its member governments may include certain provisions without a vote of their electors. Those provisions include not restricting or prohibiting the use of land within a member’s jurisdictional boundaries by the Authority for water supply purposes; not imposing any tax, fee, or charge upon the Authority in conjunction with the production or supply of water; and using certain powers for the financing and refinancing of water treatment, production, or transmission facilities. Provides for the use of arbitration of controversies concerning water use among the parties in an interlocal agreement. Allows the Authority to indemnify its member governments, but such indemnification may not be considered to increase or otherwise waive the limits of liability to third-party claimants

This bill amends sections 120.52, 373.1963, 682.02, and 768.28, Florida Statutes.

II. Present Situation:

Formed under chapters 163 and 373, F.S., the West Coast Regional Water Supply Authority (Authority) is an independent governmental entity, comprised of Hillsborough, Pasco and Pinellas Counties, the Cities of Tampa and St. Petersburg, and one non-voting member, the City of New Port Richey. The Authority, organized in 1974, operates as a wholesale developer and supplier of drinking water to the six member governments. The member governments, in turn, supply water to approximately 1.8 million residents of Pinellas, Hillsborough, and Pasco Counties.

Prior to the establishment of the Authority, each member government developed its water resources independently. Conflicts arose as local governments began developing water supplies outside their jurisdictional boundaries. With the creation of the Authority, member governments could contract for individual water entitlements from specific facilities. Thus, each member government has water sources solely through the Authority, its own supply, or both. Through the various contracts with its member governments, the Authority has operated on a "subscription" approach to the development of new water supply sources. The subscription approach to water supply development recovers cost by apportioning the cost of each facility in the system to specific member governments that are entitled to receive water from that facility. This history of supply development has resulted in widely varying water rates and entitlements.

During the 1996 legislative session, the Legislature directed the Authority and its member governments (Hillsborough County, Pasco County, Pinellas County, Tampa, St. Petersburg, and New Port Richey) to evaluate the Authority's operations and made recommendations for improvements. An independent report to the Legislature prepared by KPMG Peat Marwick LLP for the 1997 legislative session, "*West Coast Regional Water Supply Authority Governance Study for the Florida Legislature*" (Governance Study), analyzed and confirmed the strength of a regional solution.

In 1997, the Legislature passed legislation which provided that "the Authority may reconstitute its governance in a manner consistent with its report to the Legislature, and with the provisions set forth herein, under a voluntary interlocal agreement with a term of not less than 20 years." The 1997 legislation delineated the following specific provisions which any restructured Authority should substantially provide:

- All member governments shall relinquish to the Authority their individual rights to develop drinking water supply sources;
- The Authority shall be the sole and exclusive wholesale drinking water supplier for all member governments,
- The Authority shall have the absolute and unequivocal obligation to meet the wholesale drinking water needs of the member governments;
- The Authority shall acquire all regionally significant wholesale water supply facilities and tangible assets owned by the member governments at an agreed value;
- The Authority shall charge a uniform per-gallon wholesale rate to member governments for the wholesale supply of drinking water;
- To the extent provided in the interlocal agreement and as permitted by law, the Authority and member governments shall develop procedures for resolving their differences over permitting and other issues, including alternative dispute resolution to minimize the potential for litigation;

- The Authority's governing board of directors shall be expanded to nine members—two each from Pinellas, Pasco and Hillsborough Counties; and one each from Tampa, St. Petersburg and new Port Richey; and
- The Authority and the Southwest Florida Water Management District shall submit a plan or agreement for joint development of alternative water supply sources and facilities in amounts sufficient to meet the projected needs of the member governments over the next 20 years, and the needs of natural systems

As a result of the Governance Study, the Legislature in 1997 passed ch. 97-160, L.O.F., which encouraged and facilitated the implementation of the Governance Study recommendations submitted to the Legislature. Over the past year, the Authority, together with its member governments and their staffs, special counsel and consultants have worked cooperatively to carry out the mandate contained in section 30 of ch. 97-160, L.O.F. Specifically, the Authority staff, counsel, and consultants, have

- Conducted multiple workshops with the member governments, separately and in groups;
- Developed new governing documents for the Authority including the draft Amended and Restated Interlocal Agreement and draft Mater Water Supply Contract to supersede existing contracts; and
- Conducted extensive studies related to water rates, water quality, legal issues, title to real property, and an overall water supply facility assessment.

The Governance Study evolved from a cooperative effort of KPMG Peat Marwick LLP and the "Group of 18," a policy panel comprised the Authority's board of directors, plus the city or county administrator and the utility director for each of the six Authority member governments. A product of the independent, in-depth analysis of the operation, governance, facilities and financing the Authority, the Governance Study made five specific recommendations

1. The board of directors should be expanded from five to nine voting members to provide a more equitable balance among the three counties
2. The board of directors should be made up of elected representative to ensure public accountability;
3. The Authority should serve as the region's exclusive provider of wholesale water, acquiring groundwater facilities from members and giving all members uniform access to system-wide capacity;
4. The Authority should focus on implementing the Master Water Plan projects to assure the development of diversified water supplies and the creation of an integrated system; and

5. Funding strategies should fairly compensate existing member governments for their water supply facilities to be acquired while moving to a uniform rate for the future.

Three key agreements that have been developed (the Amended and Restated Interlocal Agreement, the Master Water Supply Contract, and the Property Transfer Agreement), and when supported by the requested legislation, will provide for regional water solutions. Each agreement is an integral and necessary part, along with the legislation, of a comprehensive answer to the water needs of the Tampa Bay area.

III. Effect of Proposed Changes:

This bill would assist in the implementation of the governance restructuring of the West Coast Regional Water Supply Authority (Authority.)

Section 1: Section 120.52, F.S., is amended to provide that the definition of “party” does not include a member government of a regional water supply authority or a governmental or quasi-judicial board or commission established by local ordinance or special or general law where the governing membership of such board or commission is shared with, in whole or in part, or appointed by a member government of a regional water supply authority in proceedings under s. 120.569, s. 120.57, or s. 120.68, F.S., to the extent that an interlocal agreement under ss. 163.01 and 373.1962, F.S., exists in which the member government has agreed that its substantial interests are not affected by the proceedings or that it is to be bound by alternative dispute resolution in lieu of participating in the proceedings. This exclusion applies only to those particular types of disputes or controversies, if any, identified in an interlocal agreement.

Section 2: Section 373.1963, F.S., is amended to authorize the implementation of changes in governance recommended by the Authority. The interlocal agreement must comply with certain specified provisions. Among those provisions, in accordance with s. 4, Art. VIII of the State Constitution and notwithstanding s. 163.01, F.S., the interlocal agreement may include the following terms, which are considered approved by the parties without a vote of their electors, upon execution of the interlocal agreement by all member governments and upon satisfaction of all conditions precedent in the interlocal agreement.

1. All member governments shall relinquish to the authority their individual rights to develop potable water supply sources, except as otherwise provided in the interlocal agreement.
2. The Authority shall be the sole and exclusive wholesale potable water supplier for all member governments.
3. The Authority shall have the absolute and unequivocal obligation to meet the wholesale needs of the member governments for potable water

4. A member government may not restrict or prohibit the use of land within a member's jurisdictional boundaries by the Authority for water supply purposes through use of zoning land use, comprehensive planning, or other form of regulation.
5. A member government may not impose any tax, fee, or charge upon the Authority in conjunction with the production or supply of water not otherwise provided for in the interlocal agreement.
6. The Authority may use the powers provided in part II, ch 159, F.S., for financing and refinancing water treatment, production, or transmission facilities, including, but not limited to, desalination facilities. All such water treatment, production, or transmission facilities are considered a "manufacturing plant" for purposes of s. 159.27(5), F.S., and serve a paramount public purpose by providing water to citizens of the state.
7. A member government and any governmental or quasi-judicial board or commission established by local ordinance or general or special law where the governing membership of such board or commission is shared, in whole or in part, or appointed by a member government agreeing to be bound by the interlocal agreement shall be limited to the procedures set forth therein regarding actions that directly or indirectly restrict or prohibit the use of lands or other activities related to the production or supply of water.

The interlocal agreement may include procedures for resolving their parties' differences regarding water management district proposed agency action in the water use permitting process within the Authority. These procedures should minimize the potential for litigation and include alternative dispute resolution. Any governmental or quasi-judicial board or commission established by local ordinance or general or special law where the governing members of such board or commission is shared, in whole or in part, or appointed by a member government, may agree to be bound by the dispute resolution procedures set forth in the interlocal agreement.

The provisions of s. 373.1963, F.S., supercede any conflicting provisions contained in all other general or special laws or provisions thereof as they may apply directly or indirectly to the exclusivity of water supply or withdrawal of water, including provisions relating to the environmental effects, if any, in conjunction with the production and supply of potable water, and the provisions of s. 373.1963, F.S., are intended to be a complete revision of all laws related to a regional water supply authority created under ss. 373.1962 and 373.1963, F.S.

Section 3: Section 682.02, F.S., is amended to provide that the parties which have entered into written interlocal agreements may arbitrate disputes between them concerning water-use permit applications and other matters, regardless of whether or not the water management district with jurisdiction over the subject application is a party to the interlocal agreement or a participant in the arbitration.

Section 4: Section 768.28, F.S., is amended to allow the Authority to indemnify and assume the liabilities of its member governments for obligations arising from past acts or omissions at or with

property acquired from a member government by the Authority and arising from the acts or omissions of the Authority in performing activities contemplated by an interlocal agreement. This indemnification may not be considered to increase or otherwise waive the limits of liability to third-party claimants as provided in this section.

Section 5: This act takes effect upon becoming a law

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:

The interlocal agreement between the reconstituted West Coast Regional Water Supply Authority and the member governments would lead to uniform water rates among the regions served. This could mean higher water rates in some areas and lower water rates in others. The interlocal agreement could put an end to the extensive and expensive litigation that has prevailed in this area of the state for the last several years. As a result, the taxpayers in this area would benefit by not having to subsidize the legal fees involved.

C. Government Sector Impact:

Pursuant to the interlocal agreement, the member governments are prohibited from imposing any tax or fee upon the Authority for the production or supply of water within their jurisdiction. This may lead to some reduced revenues in some areas, although the amount of such an impact cannot be determined at this time, and it is not known if such reductions would be significant.

By providing for binding arbitration of disputes through the interlocal agreement, the member governments would avoid high legal fees associated with protracted litigation to settle such disputes

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
