

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.)

BILL: CS/SB 864
SPONSOR: Natural Resources Committee
SUBJECT: Fish and Wildlife Conservation Commission
DATE: March 9, 1999 Revised: _____

| <u>Analyst</u> | <u>Staff Director</u> | <u>Reference</u> | <u>Action</u> |
|-----------------|-----------------------|------------------|---------------------|
| 1. <u>Green</u> | <u>Voigt</u> | <u>NR</u> | <u>Favorable/CS</u> |
| 2. _____ | _____ | <u>FP</u> | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |
| 5. _____ | _____ | _____ | _____ |

I. Summary:

The bill renames the Game and Fresh Water Fish Commission as the Fish and Wildlife Conservation Commission (FWCC) and provides for the appointment of the new commission's executive director. Transfers the powers, duties, functions, and jurisdiction of the Marine Fisheries Commission (MFC) in effect on March 1, 1998, to the FWCC and also transfers the fund balances of the MFC assigned to the Board of Trustees of the Internal Improvement Trust Fund to the FWCC. It also transfers all of the powers, duties, functions, staff, equipment, and fund balances of the Game and Fresh Water Fish Commission to the FWCC. Transfers the Department of Environmental Protection's (DEP's) Division of Marine Resources related to the Office of Fisheries Management, Bureau of Marine Resources Regulation and Development, Bureau of Protected Species Management, and the Florida Marine Research Institute to the FWCC, but provides that portions of the Division of Marine Resources relating to the Bureau of Coastal and Aquatic Managed Areas shall remain within DEP. Transfers the following DEP units to the FWCC: Division of Law Enforcement related to the Office of Enforcement Planning and Policy Coordination, Bureau of Administrative Support, Bureau of Operational Support, and the Bureau of Environmental Law Enforcement. Retains the powers, duties, functions, staff, equipment and fund balances related to the Bureau of Park Patrol, Bureau of Emergency Response, and the Office of Investigations within the department's Division of Law Enforcement.

The bill also abolishes the Division of Marine Resources and the Division of Environmental Resource Permitting within DEP and renames the Division of Water Facilities as the Division of Water Resource Management. Requires the Secretary of DEP and the Executive Director of the FWCC to appoint staff members to a transition advisory committee which will review and determine the appropriate number of positions to be transferred from DEP's Office of General Counsel and the Division of Administrative and Technical Services to the FWCC, but allowing no more than 60 positions and their related funding levels and funding sources to be transferred to the new commission. Requires the Governor to appoint an Office of Planning and Budget staff member to chair the advisory committee's meetings and assist with implementation of these provisions and adjustments in the operating budgets of the two agencies involved during the

1999-2000 fiscal year. In addition, the bill contains numerous technical revisions necessary to conform the Florida Statutes to the organizational changes included in this bill.

This bill substantially amends ss. 20.325, 20.255, 206.606, 259.101, 370.0603, 370.0608, 370.16, 370.26, and 932.7055, Florida Statutes. This bill repeals ss. 370.025, 370.026, 370.027, 372.021, 372.061, and 403.261, Florida Statutes.

II. Present Situation:

Every 20 years, the state of Florida forms a commission to study the state constitution and propose changes that are placed on a ballot for public vote. Pursuant to Article XI, Section 2 of the Florida Constitution, the Constitutional Revision Commission conducted numerous public meetings and held numerous working sessions of the commission to determine changes needed to Florida's Constitution. On May 5, 1998, the commission filed its proposed constitutional revisions with the Secretary of State. The proposed revisions were submitted to the electors at the general election on November 3, 1998. Seventy-two percent of the voters approved Revision 5, creating the new Fish and Wildlife Conservation Commission on July 1, 1999, and abolishing the Game and Fresh Water Fish Commission and the Marine Fisheries Commission.

Revision 5 included provisions related to the state's environment and natural resources. Florida's population has grown substantially in the past 20 years and is expected to exceed 17 million by 2010. This growth will inevitably affect the state's natural resources. Revision 5 increases conservation efforts by addressing the purchase of state lands, wildlife regulation, and the state's environmental policy.

Currently, Article IV, Section 9 of the Florida Constitution establishes the Game and Fresh Water Fish Commission. This 5-member commission has broad regulatory and executive powers with respect to wild animal life and fresh water aquatic life, except that all license fees for taking wild animal life and fresh water aquatic life and penalties for violating the commission's regulations shall be prescribed by specific statute.

The Marine Fisheries Commission, as established in s. 370.026, F.S., consists of seven members with full rulemaking authority over marine life, except endangered species, subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund. Endangered marine species, such as marine turtles, are regulated by the Department of Environmental Protection.

The Constitution also has provisions relating to bond issuance. Provisions contained in Article XII, Section 9 of the Florida Constitution allow bonds to be issued for land acquisition and capital improvement for outdoor recreation development. This section authorizes the Land Acquisition Trust Fund to be used for these multiple purposes, but the fund is scheduled to expire in 2013 pursuant to these constitutional provisions. A change in the Florida Constitution is needed to allow the issuance of bonds for longer periods of time than the remaining years to 2013 and to provide broader powers for purchasing conservation and recreation lands.

At this time, the Florida Constitution does not contain any provision guiding the disposition of conservation and recreation lands acquired with bond proceeds. However, s. 259.101(6), F.S., includes provisions that must be followed in disposing of lands acquired pursuant to the

Preservation 2000 Program using bond proceeds. These provisions address lands vested in the Board of Trustees of the Internal Improvement Trust Fund or in the Governing Boards of Water Management Districts. Basically, these provisions require a determination that the lands are no longer needed for the purposes for which they were acquired and upon disposal the funds received must be used to acquire other conservation lands.

With respect to environmental policy, Article II, Section 7 of the Florida Constitution contains general provisions regarding natural resources and scenic beauty. This brief subsection states, "It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise."

The Senate Natural Resources Committee has devoted considerable time to develop a bill that implements the provisions of Revision 5. The committee began discussions on what type of legislation would be required on December 1, 1998. The Game and Fresh Water Commission and the Department of Environmental Protection made presentations regarding implementation proposals to the committee during its January 6, 1999, meeting. The committee proposed a bill, SB 864, during its January 19, 1999, meeting. The committee devoted this entire January 19 meeting to the discussion of the proposed bill. On March 8, 1999, the committee voted favorably on SB 864 as a committee substitute.

III. Effect of Proposed Changes:

Section 20.325, F.S., is amended as follows:

Section 1. Renames the Game and Fresh Water Fish Commission as the Fish and Wildlife Conservation Commission (FWCC) and establishes divisions within the new commission. Provides the executive director of the FWCC will be appointed by the commission and confirmed by the Senate.

Section 2. Transfers the powers, duties, functions, and jurisdiction of the Marine Fisheries Commission (MFC) in effect on March 1, 1998, to the FWCC. Provides for the transfer of staff and equipment of the MFC to the FWCC. Also transfers fund balances of the MFC assigned to the Board of Trustees of the Internal Improvement Trust Fund to the FWCC using a type two transfer.

Section 3. Transfers the powers, duties, functions, staff, equipment, and fund balances of the Game and Fresh Water Fish Commission to the FWCC using a type two transfer.

Section 4. Transfers the powers, duties, functions, staff, equipment, facilities and fund balances of the Department of Environmental Protection's (DEP's) Division of Marine Resources related to the Office of Fisheries Management, Bureau of Marine Resources Regulation and Development, Bureau of Protected Species Management, and the Florida Marine Research Institute to the FWCC using a type two transfer. Provides that portions of the Division of Marine Resources relating to the Bureau of Coastal and Aquatic Managed Areas shall remain within DEP.

Section 5. Transfers the powers, duties, functions, staff, equipment, facilities, and fund balances of the following units within the DEP to the FWCC: Division of Law Enforcement related to the Office of Enforcement Planning and Policy Coordination, Bureau of Administrative Support, Bureau of Operational Support, and the Bureau of Environmental Law Enforcement. Provides the Bureau of Park Patrol, Bureau of Emergency Response, and the Office of Investigations shall remain within the DEP's Division of Law Enforcement. Specifies that no duties or responsibilities relating to boating safety matters shall remain within DEP.

Section 20.255, F.S., is amended as follows:

Section 6. Abolishes the Division of Marine Resources and the Division of Environmental Resource Permitting within DEP. Renames the Division of Water Facilities as the Division of Water Resource Management.

Section 7. Requires the Secretary of DEP and the Executive Director of the FWCC to each appoint 3 staff members to a transition advisory committee which will review and determine the appropriate number of positions to be transferred from DEP's Office of General Counsel and the Division of Administrative and Technical Services to the FWCC to provide legal services and administrative support services, including communications equipment involving the National Crime Information System (NCIS) and the Florida Crime Information System (FCIS). Provides that no more than 60 positions and their related funding levels and funding sources shall be transferred to the new commission. Requires the Governor to appoint an Office of Planning and Budget staff member to chair the meetings of the advisory committee and to assist with implementation of these provisions and adjustments in the operating budgets of the two agencies involved during the 1999-2000 fiscal year, consulting with the Appropriations Committees in the House of Representatives and the Senate.

Section 8. Amends s. 206.606, F.S., to provide the department shall deposit an additional \$1.25 million each fiscal year into the Aquatic Plant Control Trust Fund.

Section 9. Amends s. 259.101, F.S., to require that lands acquired for conservation purposes be disposed of only upon a two-thirds vote of the appropriate governing board determining the land is no longer needed for conservation purposes. This language is needed to conform with Revision 5.

Section 10. Amends s. 370.0603, F.S., to move the Marine Resources Conservation Trust Fund from the department to the FWCC.

Section 11. Amends s. 370.0608, F.S., to provide that up to 12.5 percent of saltwater fishing license fees may be used for administration of the licensing program and for information and education.

Section 12. Amends s. 370.16, F.S., to transfer oyster and shellfish special activity licenses, harvesting, and gear regulation to the FWCC. The department maintains its role in approving lease applications and collecting license fees. It also retains oysters and clam shells as the property of the department.

Section 13. Amends s. 370.26, F.S., to transfer certain activities relating to aquaculture from the department to the FWCC. These activities mainly relate to stock enhancement projects and the FWCC's role in working with the Department of Agriculture and Consumer Services to encourage and promote aquaculture.

Section 14. Amends s. 932.7055, F.S., to provide that proceeds from property forfeited to the department under the Florida Contraband Forfeiture Act shall be deposited into the Forfeited Property Trust Fund.

Sections 15 through 217 make numerous technical changes to conform the Florida Statutes to the State Constitution and this act.

Section 218. Repeals the following sections: s. 370.025, F.S., which provides policies for the Marine Fisheries Commission; s. 370.026, F.S., which provides for the creation of the Marine Fisheries Commission; s. 370.027, F.S., which provides rulemaking authority; s. 372.021, F.S., which provides for the powers of the Game and Fresh Water Fish Commission; s. 372.061, F.S., which provides for meetings of the Game and Fresh Water Fish Commission; and s. 403.261, F.S., which provides for the repeal of rulemaking jurisdiction over air and water pollution.

Section 219. Provides an effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The figures below indicate the number of positions and budget size for the program components involved. Merely moving a program component from one agency to another would not adversely affect the spending level for the program activities involved, nor would moving a program component necessarily result in reduced cost for such activities. Cost savings would only be realized if duplicative program components are eliminated.

| ORGANIZATIONAL UNIT | TOTAL POSITIONS | FY 1998-99 TOTAL BUDGET |
|---|--------------------|----------------------------|
| Marine Fisheries Commission (Budget Component) | 10 | \$829,652 |
| Game and Fresh Water Fish Commission (Total Operating Budget) | 990 | \$72, 831, 349 |
| Division of Law Enforcement (Budget Components) | | |
| Natural Resources Law Enforcement: | | |
| Uniform Patrol | 167 | \$13,851,925 |
| Investigations | 42 | 2,709,522 |
| Inspections | 44.5 | 3,008,187 |
| Aviation | 11.5 | 1,431,038 |
| Boating Safety | 241.5 | 18,313,169 |
| Subtotal | 506.5 | \$39,313,841 |
| Hazard Material/Oil Spill Response (Budget Component) <i>Not Transferred</i> | 28 | 4,769,008 |
| Parks Law Enforcement/Uniform Patrol (Budget Component) <i>Not Transferred</i> | 82 | 4,145,503 |

Division of Marine Resources

| ORGANIZATIONAL UNIT (Budget Component) | TOTAL POSITIONS | FY 1998-99 TOTAL BUDGET |
|---|--------------------|----------------------------|
| Marine Research | 240 | \$27,589,638 |
| Protected Species Management | 41 | 3,706,898 |
| Marine Resources Regulation and Development | 32 | 1,722,023 |
| Coastal & Aquatic Managed Areas <i>Not Transferred</i> | 86 | 6,842,133 |

Organizational units and personnel transferred to the Fish and Wildlife Conservation Commission by SB 864:

Department of Environmental Protection
Division of Law Enforcement

| | |
|--|-------|
| Bureau of Environmental Law Enforcement | 423 |
| Bureau of Operational Support | 43.5 |
| Bureau of Administrative Support | 18 |
| Office of Enforcement Planning and Policy Coordination | 10 |
| Subtotal | 494.5 |

Division of Marine Resources

| | |
|--|-------|
| All bureaus and offices except the Bureau of Coastal and Aquatic Managed Areas | 313 |
| Division of Administrative and Technical Services and Office of General Counsel (to be determined by the transition advisory committee) | 60 |
| Subtotal | 373 |
| Total | 867.5 |

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.