

STORAGE NAME: h3655s1a.gg

DATE: April 15, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GENERAL GOVERNMENT APPROPRIATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 3655

RELATING TO: State Funds

SPONSOR(S): Representative Posey

COMPANION BILL(S): None

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

- (1) Water & Resource Management YEAS 7 NAYS 0
 - (2) GENERAL GOVERNMENT APPROPRIATIONS YEAS 9 NAYS 0
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

CS/HB 3655 unanimously passed the House Committee on Water and Resource Management on March 19, 1998. On that same date, the Committee adopted a strike-everything amendment.

CS/HB 3655 would amend ss. 320.08058, 327.25, and 370.12, F.S., to prevent nongovernmental entities from using the funds from the Save the Manatee Trust Fund for a number of purposes. These purposes include the use of these funds to pay for administrative or civil litigation costs or fees, commercial or for-profit activities, or general or administrative expenses.

In addition, CS/HB 3655 would amend s. 320.08062, F.S., to require the Department of Highway Safety and Motor Vehicles to discontinue the distribution of any funds generated from the annual use fee for the manatee license plate where an organization has not complied with the limitation in the amended s. 320.08058, F.S. The bill requires the department to observe the discontinuation until the organization complies with applicable law and has reimbursed the department for all monies inappropriately used.

The fiscal impact of CS/HB 3655 is indeterminate.

CS/HB 3655 would take effect upon becoming law.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

To fund research and recovery for the manatee, s. 327.28, F.S., directs that the Save the Manatee Trust Fund (STMTF) receive \$1 for every vessel registered in the state. Section 327.28, F.S., also steers 50 cents for every vessel registered in the state to the STMTF specifically for the use by those facilities authorized to rescue, rehabilitate and release manatees. As another means to support the STMTF, s. 320.08058, F.S., requires that the registration fees for the manatee license plate go to the trust fund.

According to DEP's Save the Manatee Trust Fund Fiscal Year 1996-1997 Annual Report (received on December 1, 1997), the license tag fees generated \$2.2 million for the STMTF; vessel registration fees produced another \$900,000; and other sources resulted in approximately \$4.3 million (most of this amount came from a one-time transfer from the Save Our State Trust Fund).

While ss. 320.08058 and 327.28, F.S., provide funding, s. 370.12(5), F.S., enumerates the purposes for which the funds of the STMTF may be used. Generally, s. 370.12(5), F.S., provides for annual funding from the STMTF to support activities relating to manatee rescue, rehabilitation, recovery and protection. In addition to these activities, s. 370.12(5)(a), F.S., requires that funds from the STMTF be available each fiscal year for a population census of the manatees in the state. The Department of Environmental Protection (DEP) in conjunction with the U.S. Fish and Wildlife Service oversees an annual census of the state's manatee population. This census involves the use of aerial surveys undertaken in the winter months when the manatees congregate in warm springs and shallow bays.

CS/HB 3655 was filed to address concerns that monies from the STMTF helped fund legal challenges against the state. Specifically, concerns were raised about the recent opposition by the Save the Manatee Club to a project in Brevard County known as the H-Canal. In this case, DEP preliminarily decided to issue a permit authorizing the reconnection of the canal to the Banana River. Allegedly concerned about adverse impacts to water quality and the local manatee population, the Save the Manatee Club filed an administrative petition challenging DEP's decision. While it is not clear that the Save the Manatee Club used state funds in this legal challenge, the Game and Fresh Water Fish Commission did grant the organization \$33,930 from the STMTF in fiscal year 1996-97.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 3655 would basically prevent nongovernmental entities from using funds from the Save the Manatee Trust Fund for certain purposes. CS/HB 3655 would make the following modifications to existing law:

-- amends s. 370.12(5)(a), F.S., to prohibit nongovernmental entities from using Save the Manatee Trust Fund moneys for the payment of administrative or civil litigation costs or fees, for commercial or for-profit activities, or for general or administrative expenses;

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-- amends s. 327.25, F.S., to prevent any moneys from the Save the Manatee Trust Fund received or distributed pursuant to ss. 327.25(11) and 327.25(16), F.S., (which collect contributions and a \$1 fee from boat registrations) that flow to nongovernmental entities to pay for administrative or civil litigation costs or fees, for commercial or for-profit activities, or for general or administrative expenses;

-- amends s. 320.08058, F.S., to prevent the annual use fees from the manatee license plate from being used by nongovernmental entities for the payment of administrative or civil litigation costs or fees, for commercial or for-profit activities, or for general or administrative expenses; and

-- amends s. 320.08062, F.S., to require the Department of Highway Safety and Motor Vehicles to discontinue the distribution of revenues (i.e., the annual use fees from the manatee license plate) where it determines that an organization has not used funds in accordance with law until the organization complies with law and reimburses the department for all moneys inappropriately used.

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?

No.

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

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

Not applicable.

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 320.08058(1), 320.08062(2), 327.25(11), 327.25(16), and 370.12(5), F.S.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Amends s. 370.12(5)(a), F.S., to prohibit nongovernmental entities from using Save the Manatee Trust Fund moneys for the payment of administrative or civil litigation costs or fees, for commercial or for-profit activities, or for general or administrative expenses.

Section 2. Amends s. 327.25, F.S., to prevent any moneys from the Save the Manatee Trust Fund received or distributed pursuant to ss. 327.25(11) and 327.25(16), F.S., that flow to nongovernmental entities from being used to pay for administrative or civil litigation costs or fees, for commercial or for-profit activities, or for general or administrative expenses.

Section 3. Amends s. 320.08058, F.S., to prevent the annual use fees from the manatee license plate from being used by nongovernmental entities for the payment of administrative or civil litigation costs or fees, for commercial or for-profit activities, or for general or administrative expenses..

Section 4. Amends s. 320.08062, F.S., to require the Department of Highway Safety and Motor Vehicles to discontinue the distribution of revenues where it determines that an organization has not used funds in accordance with law until the organization complies with law and reimburses the department for all moneys inappropriately used.

Section 5. Provides that this act shall take effect upon becoming law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

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:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Because some private organizations may rely on grants from the Save the Manatee Trust Fund for activities prohibited by CS/HB 3655, the bill may compel these organizations to seek other funding sources for these activities.

2. Direct Private Sector Benefits:

None.

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

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This provision is not applicable to CS/HB 3655 as the bill does not require local governments to spend funds or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

Not applicable.

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

Not applicable.

V. COMMENTS:

CS/HB 3655 helps to ensure that moneys collected on the behalf of the manatee actually serve the research and recovery of the species. The bill basically prohibits nongovernmental entities from using moneys from the Save the Manatee Trust Fund for any purpose other than the promotion and protection of the manatee.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 19, 1998, members of the House Committee on Water and Resource Management unanimously approved HB 3655 as a C/S. In voting to approve CS/HB 3655, the Committee members also approved a strike-everything amendment to the bill. This amendment modified CS/HB 3655 to make the following changes:

-- prohibits the use of Save the Manatee Trust Fund monies **by nongovernmental entities** for the payment of administrative or civil litigation costs or fees, for commercial or for-profit activities, or for general or administrative expenses;

-- prevents any monies from the Save the Manatee Trust Fund received or distributed pursuant to s. 327.25(11), F.S., (which allows for voluntary contributions from boat registrations) that go to **nongovernmental entities** to pay for administrative or civil litigation costs or fees, for commercial or for-profit activities, or for general or administrative expenses;

-- places same restriction on funds going into the Save the Manatee Trust Fund from manatee license plate fees pursuant to s. 320.08062, F.S.; and

-- requires Department of Highway Safety and Motor Vehicles to stop payment of funds where it determines that an organization has not used funds in accordance with law until the organization reimburses the department.

VII. SIGNATURES:

COMMITTEE ON Water & Resource Management:

Prepared by:

Legislative Research Director:

E. Palmer Mason

Joyce Pugh

AS REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Legislative Research Director:

Cynthia P. Kelly

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