

By the Committee on Natural Resources

312-761-99

1 A bill to be entitled
 2 An act relating to the Fish and Wildlife
 3 Conservation Commission; amending s. 20.325,
 4 F.S.; specifying the divisions in the Fish and
 5 Wildlife Conservation Commission; transferring
 6 the duties of the Marine Fisheries Commission
 7 assigned to the Board of Trustees of the
 8 Internal Improvement Trust Fund to the
 9 commission; transferring the duties of the Game
 10 and Fresh Water Fish Commission to the Fish and
 11 Wildlife Conservation Commission; transferring
 12 certain duties of the Department of
 13 Environmental Protection, Division of Marine
 14 Resources and Division of Law Enforcement, to
 15 the Fish and Wildlife Conservation Commission;
 16 amending s. 20.255, F.S.; specifying the
 17 divisions in the Department of Environmental
 18 Protection; providing for a transition advisory
 19 committee to determine the appropriate number
 20 of support service personnel to be transferred;
 21 providing for the preparation of a reviser's
 22 bill to conform the Florida Statutes with
 23 organizational changes; providing an effective
 24 date.

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 26 Be It Enacted by the Legislature of the State of Florida:

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 28 Section 1. Section 20.325, Florida Statutes, is
 29 amended to read:

30 20.325 Fish and Wildlife Conservation ~~Game and Fresh~~
 31 ~~Water Fish~~ Commission.--The Legislature, recognizing the Fish

1 ~~and Wildlife Conservation Game and Fresh Water Fish~~ Commission
2 as being specifically provided for and authorized by the State
3 Constitution under s. 9, Art. IV, grants rights and privileges
4 to the commission, as contemplated by s. 6, Art. IV of the
5 State Constitution, equal to those of departments established
6 under this chapter, while preserving its constitutional
7 designation and title as a commission.

8 (1) The head of the Fish and Wildlife Conservation
9 ~~Game and Fresh Water Fish~~ Commission is the commission
10 appointed by the Governor as provided for in s. 9, Art. IV of
11 the State Constitution.

12 (2) The following divisions are established within the
13 commission:

14 (a) Division of Administrative Services.

15 (b) Division of Law Enforcement.

16 (c) Division of Freshwater Fisheries.

17 (d) Division of Wildlife.

18 (e) Division of Marine Resources.

19 (3) The commission shall appoint an executive director
20 who shall be subject to confirmation by the Florida Senate and
21 upon approval shall serve at the pleasure of the commission.

22 ~~The powers, duties, and functions of the commission shall be~~
23 ~~as prescribed by law.~~

24 Section 2. The powers, duties, functions, and
25 jurisdiction as set forth in statutes in effect on March 1,
26 1998, and staff, equipment, and fund balances of the Marine
27 Fisheries Commission assigned to the Board of Trustees of the
28 Internal Improvement Trust Fund are transferred by a type two
29 transfer, as defined in section 20.06, Florida Statutes, to
30 the Fish and Wildlife Conservation Commission.

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1 Section 3. The powers, duties, functions, staff,
2 equipment, and fund balances of the Game and Fresh Water Fish
3 Commission are transferred by a type two transfer, as defined
4 in section 20.06, Florida Statutes, to the Fish and Wildlife
5 Conservation Commission.

6 Section 4. The powers, duties, functions, staff,
7 equipment, facilities, and fund balances of the Department of
8 Environmental Protection, Division of Marine Resources,
9 related to the Office of Fisheries Management, Bureau of
10 Marine Resources Regulation and Development, Bureau of
11 Protected Species Management, and the Florida Marine Research
12 Institute are transferred by a type two transfer, to the Fish
13 and Wildlife Conservation Commission. The remaining powers,
14 duties, functions, staff, equipment and fund balances of the
15 Division of Marine Resources relating to the Bureau of Coastal
16 and Aquatic Managed Areas shall remain in the Department of
17 Environmental Protection.

18 Section 5. The powers, duties, functions, staff,
19 equipment, facilities, and fund balances of the Department of
20 Environmental Protection, Division of Law Enforcement, related
21 to the Office of Enforcement Planning and Policy Coordination,
22 Bureau of Administrative Support, Bureau of Operational
23 Support, and the Bureau of Environmental Law Enforcement, are
24 transferred by a type two transfer to the Fish and Wildlife
25 Conservation Commission, except for those powers, duties,
26 functions, staff, equipment, facilities, and fund balances of
27 the Bureau relating to the Florida Park Patrol, which shall
28 remain in the Department of Environmental Protection and be
29 assigned to the Division of Recreation and Parks. The
30 remaining powers, duties, functions, staff, equipment, and
31 fund balances of the Division of Law Enforcement relating to

1 the Bureau of Emergency Response and the Office of
2 Investigations shall remain in the Department of Environmental
3 Protection and be reassigned to the Division of Waste
4 Management and the Office of General Counsel, respectively. No
5 duties or responsibilities relating to boating safety matters
6 shall remain in the Department of Environmental Protection.

7 Section 6. Subsection (6) of section 20.255, Florida
8 Statutes, 1998 Supplement, is amended to read:

9 20.255 Department of Environmental Protection.--There
10 is created a Department of Environmental Protection.

11 (6) The following divisions of the Department of
12 Environmental Protection are established:

13 (a) Division of Administrative and Technical Services.

14 (b) Division of Air Resource Management.

15 (c) Division of Water Resource Management ~~Facilities~~.

16 ~~(d) Division of Law Enforcement.~~

17 ~~(d)(e)~~ Division of Marine Resources.

18 ~~(e)(f)~~ Division of Waste Management.

19 ~~(f)(g)~~ Division of Recreation and Parks.

20 ~~(g)(h)~~ Division of State Lands, the director of which
21 is to be appointed by the secretary of the department, subject
22 to confirmation by the Governor and Cabinet sitting as the
23 Board of Trustees of the Internal Improvement Trust Fund.

24 ~~(i) Division of Environmental Resource Permitting.~~

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26 In order to ensure statewide and intradepartmental
27 consistency, the department's divisions shall direct the
28 district offices and bureaus on matters of interpretation and
29 applicability of the department's rules and programs.

30 Section 7. The Secretary of the Department of
31 Environmental Protection and the Executive Director of the

1 Fish and Wildlife Conservation Commission shall each appoint 3
2 staff members to a transition advisory committee to review and
3 determine the appropriate number of positions, up to 60
4 positions and their related funding levels and sources, from
5 the Office of General Counsel and from the Division of
6 Administrative and Technical Services to be transferred from
7 the Department of Environmental Protection to the Fish and
8 Wildlife Conservation Commission to provide legal services and
9 administrative and operational support services, including
10 communications equipment involving the National Crime
11 Information System (NCIS) and the Florida Crime Information
12 System (FCIS) which were previously provided to the programs
13 transferred by sections 4 and 5 of this act. The Governor
14 shall appoint a staff member from the Office of Planning and
15 Budget to chair the meetings of the transition advisory
16 committee and to assist in implementing these provisions as
17 appropriate with adjustments in the operating budgets of the
18 two agencies involved during Fiscal Year 1999-2000 as provided
19 by chapter 216 and providing consultation with the
20 Appropriations Committees in the House of Representatives and
21 the Senate.

22 Section 8. The Division of Statutory Revision of the
23 Office of Legislative Services is directed to prepare a
24 reviser's bill for introduction at a subsequent session of the
25 Legislature to change "Game and Fresh Water Fish Commission"
26 to "Fish and Wildlife Conservation Commission" and to make
27 such further changes as are necessary to conform the Florida
28 Statutes to the organizational changes effected by this act.

29 Section 9. This act shall take effect July 1, 1999.
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SENATE SUMMARY

Transfers the Game and Fresh Water Fish Commission, the Marine Fisheries Commission, and some functions of the Department of Environmental Protection to the Fish and Wildlife Conservation Commission. Establishes the organizational structure of the commission and the Department of Environmental Protection. Creates a transition advisory committee. Provides for the preparation of a reviser's bill to conform the statutes to organizational changes.