

STORAGE NAME: h1599a.tr.doc
DATE: February 20, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
ANALYSIS**

BILL #: HB 1599
RELATING TO: Sea Turtle License Plates
SPONSOR(S): Representative(s) McGriff
TIED BILL(S): None

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

- (1) TRANSPORTATION YEAS 11 NAYS 0
 - (2) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
 - (3) READY INFRASTRUCTURE COUNCIL
 - (4)
 - (5)
-

I. SUMMARY:

The bill raises the annual use fee charged for the Sea Turtle specialty license plate from \$17.50 to \$22.50. In addition, the bill shifts responsibility for the sea turtle grants program from the Florida Fish and Wildlife Conservation Commission to the Caribbean Conservation Corporation, Inc., a nonprofit conservation organization. Each year, annual use fees collected from plate sales and renewals, after the first \$500,000, will be distributed to the Caribbean Conservation Corporation to fund the grant program instead of to the Florida Fish and Wildlife Conservation Commission.

[Note: On February 20, 2002 the Committee on Transportation adopted THREE amendments that are traveling with the bill. The bill was then reported FAVORABLY as amended. For details, see the AMENDMENTS AND COMMITTEE SUBSTITUTE CHANGES section of the analysis.]

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Lower Taxes

The bill provides an increase in the annual use fee for the Sea Turtle specialty license plate. Persons electing to purchase this license plate will be subject to the increased fee.

B. PRESENT SITUATION:

"Sea Turtle" Specialty License Plate

Currently, DHSMV issues a "Sea Turtle" specialty license plate. In addition to the usual license taxes and fees, a \$17.50 annual use fee is charged to any person who elects to purchase the plate.

Annual use fee proceeds from the Sea Turtle license plates are deposited into the Marine Resources Conservation Trust Fund, administered by the Florida Fish and Wildlife Conservation Commission, and are distributed as follows:

- The first \$500,000 in annual revenue to the Florida Marine Turtle Protection Program for sea turtle protection, research, and recovery programs.
- Remaining revenue (limited to 30% of total annual revenue) shall be dispersed annually through the marine turtle grants program. Grants are awarded to coastal local governments, educational institutions, and Florida-based nonprofit organizations to conduct marine turtle research, conservation, and education activities within the state.
- Any revenue that remains as a result of the 30 percent cap shall be used by the Florida Marine Turtle Protection Program for sea turtle conservation activities;

The Fish and Wildlife Conservation Commission has promulgated rules governing the submission of grant applications and stating the criteria for allocating available funds. Funds are distributed by a committee of seven members appointed by the executive director of the commission. At least two of the members of the committee must be nongovernmental representatives. Pursuant to administrative rule, the un-compensated committee consists of members with technical knowledge and expertise in the research and management of marine turtles, their nests, hatchlings, or habitats. Two members are appointed from federal agencies responsible for management or research activities involving marine turtles. Two members are from non-governmental organizations with marine turtle interests (at least one such organization must be Florida-based). Three members are at-large.

Examples of activities considered eligible to apply for funding through the Marine Turtle Grant Program include:

- Protection of turtles, their nests and hatchlings from harmful activities on the nesting beach, including lights and predators;
- Development, production, and distribution of educational materials, databases, and programs that promote the understanding of the life history and habitat needs of Florida's marine turtles and the protection and conservation of these species;
- Research directly related to the conservation of marine turtles;
- Assistance for statewide nesting beach surveys and Index Nesting Beach Surveys, including materials and supplies; and
- Assistance for the statewide standing network, including material and supplies.

Funding awarded through the grant program is disbursed on a reimbursement basis.

The Sea Turtle license plate has been generating revenue since 1998. As of January 31, 2002, the plate has generated \$2,709,637.85. Last year new sales and renewals generated \$991,917.50.

The Caribbean Conservation Corporation

According to its literature, the Caribbean Conservation Corporation (CCC) is a nonprofit organization founded in 1959 that engages in education, research, habitat protection, community outreach, networking and advocacy to further its mission to protect sea turtles. The literature states:

To address the many threats facing sea turtles and their habitats in the U.S., especially in Florida, CCC launched the Sea Turtle Survival League program in 1993. In the nine years since its formation, the STSL program has become the most effective voice for sea turtle conservation in Florida – and is one of the only groups actively watch-dogging sea turtle and coastal issues at a statewide level in Florida. In fact, the League now serves as an umbrella organization for the many small sea turtle conservation and education groups.

Some of CCC's claimed accomplishments include:

- Recognition of CCC's education, research, and conservation initiatives, notably the establishment of the Tortuguero National Park in Costa Rica, as having saved the Caribbean green turtle from immediate extinction;
- Playing an instrumental role in Congress' designation of the Archie Carr National Wildlife Refuge -- the only federally protected sea turtle refuge in the U.S.
- Leading the campaign to establish the Sea Turtle license plate, which provides 100 percent of the annual budget for Florida's Marine Turtle Protection Program and provides grants to numerous private turtle conservation groups; and
- Helping to reverse declining turtle population trends in Tortuguero, Costa Rica and in the Archie Carr National Wildlife Refuge in Florida.

In 1999, CCC sued the Florida Fish and Wildlife Commission. At issue in the case was whether the Florida Legislature had the authority to limit the newly formed Commission's rulemaking authority over threatened or endangered marine life. The Circuit Court in Leon County found the statutory delegation of authority to be unconstitutional. On June 12, 2001, the First District Court of Appeals reversed the Circuit Court's decision. It is unknown at the time of this writing whether CCC is pursuing a hearing before the Florida Supreme Court.

C. EFFECT OF PROPOSED CHANGES:

The bill raises the Sea Turtle specialty license plate annual use fee from \$17.50 to \$22.50.

In addition, the bill changes the distribution of annual use fees. Under the bill, the first \$500,000 is still deposited into the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission (FWCC) for sea turtle protection, research, and recovery programs to be conducted by the Florida Marine Turtle Protection Program. However, remaining proceeds are no longer distributed to the FWCC for grant funding.

Instead, the next \$215,000 in annual use fees shall be distributed to CCC to fund sea turtle research and education programs that benefit Florida sea turtles. These funds will be distributed through the Sea Turtle Grants Program supporting research and education activities of Florida-based non-profit groups, educational institutions, and Florida coastal counties. CCC will write and publish procedures for grant applications and criteria for funding allocation. The bill also provides that CCC will appoint a technical advisory committee of at least five members, including two members from the FWCC, to consider grant proposals.

Any additional annual use fees are distributed as follows:

- Seventy percent deposited into the Marine Resources Conservation Trust Fund to be used by the Marine Turtle Protection Program for sea turtle conservation activities;
- Thirty percent assigned to CCC for distribution through the grants program.

Of those additional funds assigned to CCC, up to 15 percent may be spent on administrative costs associated with the grants program and up to 10 percent may be used for promotion and marketing of the Sea Turtle specialty license plate.

The bill also repeals a provision in statutes requiring FWCC to provide grants for sea turtle research.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Increases the annual use fee for the Sea Turtle specialty license plate from \$17.50 to \$22.50.

Section 2. Provides that plate proceeds after the first \$500,000 be distributed to CCC for sea turtle conservation grants instead of to FWCC for the same purpose. Authorizes the use of proceeds for administrative and marketing costs.

Section 3. Repeals a statutory provision requiring FWCC to provide sea turtle conservation grants.

Section 4. Provides an effective date of July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section.

2. Expenditures:

See FISCAL COMMENTS section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill moves responsibility for the sea turtle grants program from FWCC to CCC, a private organization, and redistributes some of the Sea Turtle license plate annual use fees to CCC for that purpose.

In addition, persons electing to purchase the Sea Turtle plate will be subject to increased annual use fees.

D. FISCAL COMMENTS:

Under the bill FWCC will no longer receive a portion of the Sea Turtle license plate annual use fees to fund its sea turtle grants program. However, the bill also removes any requirement that FWCC operate such a program.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

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

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

STORAGE NAME: h1599a.tr.doc

DATE: February 20, 2002

PAGE: 6

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 20, 2002, the Committee on Transportation adopted THREE amendments that are traveling with the bill.

Amendment #1: Delays repeal of FWCC's authority to operate the Sea Turtle Grants Program until June 30, 2003. This delay allows FWCC to honor current grant agreements and use monies already distributed.

Amendment #2: Removes from the bill the provision increasing the annual use fee for the Sea Turtle license plate from \$17.50 to \$22.50.

Amendment #3: Provides that none of the specialty plate funds received by CCC or grant recipients may be used for purposes of litigation.

The Committee then reported the bill FAVORABLY as amended.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Staff Director:

William C. Garner

Phillip B. Miller