

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1361 Sea Turtle Specialty License Plate/Annual Use Fees
SPONSOR(S): Murzin
TIED BILLS: **IDEN./SIM. BILLS:** SB 308

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Highway Safety (Sub)	9 Y, 0 N	Garner	Miller
2) Transportation	16 Y, 0 N	Garner	Miller
3) Natural Resources	15 Y, 0 N	Camechis	Lotspeich
4) Finance & Tax	22 Y, 0 N	Levin	Diez-Arguelles
5) Appropriations			

SUMMARY ANALYSIS

Currently, the Department of Highway Safety and Motor Vehicles (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 (MRCTF), administered by the Florida Fish and Wildlife Conservation Commission (FWCC). The FWCC administers a sea turtle grants program supported by annual use fee revenues. In 2002, new sales and renewals of the plate generated \$1,137,283.50.

This bill shifts responsibility for administration of the sea turtle grants program from the FWCC to the Caribbean Conservation Corporation, Inc. (CCC), a nonprofit conservation organization, and revises the distribution formula for annual use fee revenues generated by the sale of sea turtle license plates.

The bill provides that the first \$500,000 continues to be distributed to the MRCTF to conduct turtle protection, conservation, and recovery programs. The next \$215,000 is distributed to the CCC, instead of the FWCC, to fund the grants program administered by the CCC. Any remaining revenues are distributed as follows:

- Seventy percent to the MRCTF to fund sea turtle conservation; and
- Thirty percent to the CCC to fund the grants program.

The bill also provides a one-time appropriation of \$350,000 to the FWCC from the MRCTF that will be transferred to CCC to fund the Sea Turtle Grants Program. Any sea turtle license plate funds remaining in the MRCTF for fiscal year 2003-2004 are allocated to the FWCC for sea turtle research and management activities.

The bill specifically provides that funds received by the CCC may not be used for litigation purposes.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

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DATE: April 14, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

B. EFFECT OF PROPOSED CHANGES:

Present Situation

“Sea Turtle” Specialty License Plate

Currently, the Department of Highway Safety and Motor Vehicles (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. The Sea Turtle license plate has been generating revenue since 1998 and, in 2002, new sales and renewals of the plate generated \$1,137,283.50

Annual use fee proceeds from the Sea Turtle license plates are deposited into the Marine Resources Conservation Trust Fund (MRCTF), administered by the Florida Fish and Wildlife Conservation Commission (FWCC), 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, up to an amount not exceeding 30% of total annual revenue, is annually dispersed by the FWCC through the marine turtle grants program as provided in s. 370.12(1)(h), F.S. 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; and
- Any remaining revenue is used by the Florida Marine Turtle Protection Program for sea turtle conservation activities.

The FWCC has promulgated rules governing the submission of grant applications and stating the criteria for allocating available funds.¹ Funds are distributed on a reimbursement basis by a committee of seven members appointed by the Executive Director of the FWCC all of whom possess technical knowledge and expertise in the research and management of marine turtles, their nests, hatchlings, or habitats. The committee membership includes at least two nongovernmental representatives, two members appointed from federal agencies responsible for management or research activities involving marine turtles, two members from non-governmental organizations with marine turtle interests (at least one such organization must be Florida-based), and three at-large members. The members are not compensated for participating on the committee.

¹ Chapter 68E-2, F.A.C.

Activities considered eligible 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.

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 ten 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.

The CCC's purported 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, which is 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 reverse declining turtle population trends in Tortuguero, Costa Rica, and in the Archie Carr National Wildlife Refuge in Florida.

In 1999, CCC sued the FWCC. At issue in the case was whether the Florida Legislature had the authority to limit the newly formed FWCC'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, and on January 16, 2003, the Florida Supreme Court approved the decision of the First District Court of Appeals.

Effect of Proposed Changes

HB 1361 revises the distribution formula of Sea Turtle license plate annual use fees as follows:

- The first \$500,000 continues to be deposited into the Marine Resources Conservation Trust Fund in the FWCC for sea turtle protection, research, and recovery programs conducted through the Florida Marine Turtle Protection Program.
- Remaining proceeds are no longer distributed to the FWCC for grant funding. Instead, the next \$215,000 in annual use fees are allocated to the CCC to fund sea turtle research and education programs. These funds will be distributed by the CCC through the Sea Turtle Grants Program supporting research and education activities of Florida-based non-profit groups, educational and research institutions, and Florida coastal counties. The CCC will write and publish procedures for grant applications and criteria for funding allocation. The bill requires the CCC to appoint a technical advisory committee of seven members to consider grant proposals, including two members from the FWCC, one member from a county bordering the Atlantic Coast with sea turtle nesting sites, one member from a county bordering the Gulf Coast with sea turtle nesting sites, the Executive Director of the CCC, and two at-large members.
- Remaining annual use fees revenues are distributed as follows:
 - Seventy percent are deposited into the Marine Resources Conservation Trust Fund to be used by the Marine Turtle Protection Program for sea turtle conservation activities; and
 - 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. No funds received by CCC from the Sea Turtle license plate or the Sea Turtle Grants Program may be used for litigation.

The bill also repeals a provision in statutes requiring FWCC to provide grants for sea turtle research, and appropriates \$350,000 to FWCC from the Marine Resources Conservation Trust Fund to be transferred to CCC to fund the Sea Turtle Grants Program. Any funds remaining in the Marine Resources Conservation Trust Fund must be used by FWCC for sea turtle research and management activities.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.08058(19), F.S., to revise the distribution formula for Sea Turtle license plate use fee revenues.

Section 2. Repeals s. 370.12(1)(h), F.S., a provision requiring FWCC to provide sea turtle conservation grants.

Section 3. Provides an effective date of July 1, 2003.

II. 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 the CCC, a private non-profit organization, and redistributes some of the Sea Turtle license plate annual use fees to CCC for administering the program. In addition, the bill makes a one-time appropriation of \$350,000 to FWCC from the Marine Resources Conservation Trust Fund to be transferred to CCC to fund the grants program.

D. FISCAL COMMENTS:

The 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 the requirement that FWCC operate such a program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

HB 1361 does not require any grant or exercise of rule-making authority to implement its provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A