

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			
4) Finance & Tax			
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, administered by the Florida Fish and Wildlife Conservation Commission (FWCC). The FWCC administers a sea turtle grants program supported by annual use fee revenues.

HB 1361 shifts responsibility for the sea turtle grants program from the FWCC to the Caribbean Conservation Corporation, Inc. (CCC), a nonprofit conservation organization. Annual use fees collected from plate sales and renewals, up to \$215,000 after the first \$500,000, will be distributed to the CCC instead of the FWCC to fund the grant program. The first \$500,000 is still distributed to FWCC's Marine Resources Conservation Trust Fund. Any amount over the first \$715,000 is distributed as follows:

- Seventy percent to the Marine Resources Conservation Trust Fund, and
- Thirty percent to the Caribbean Conservation Cooperation.

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 shall be used by FWCC for sea turtle research and management activities.

The bill takes effect July 1, 2003.

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

STORAGE NAME: h1361b.tr.doc
DATE: March 26, 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.

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. In 2002, new sales and renewals of the plate generated \$1,137,283.50

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 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.

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, 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 changes the distribution of Sea Turtle license plate 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 and research 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 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 Caribbean Conservation Corporation, and two at-large members.

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. 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 \$315,000 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 shall be used by FWCC for sea turtle research and management activities.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.08058, F.S., to provide 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, and authorizes the use of proceeds for administrative and marketing costs; appropriates \$315,000 to FWCC from the Marine Resources Conservation Trust Fund.

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

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

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 CCC, a private organization, and redistributes some of the Sea Turtle license plate annual use fees to CCC for that purpose. 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:

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.

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