

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1799 w/CS Florida Fish and Wildlife Conservation Commission  
**SPONSOR(S):** Committees on State Administration and Natural Resources and Spratt  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2820

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Natural Resources</u>	<u>19 Y, 0 N</u>	<u>Camechis</u>	<u>Lotspeich</u>
2) <u>State Administration</u>	<u>6 Y, 0 N w/CS</u>	<u>Brazzell</u>	<u>Everhart</u>
3) <u>Appropriations</u>	<u>42 Y, 0 N</u>	<u>Dixon</u>	<u>Baker</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

The bill revises the organizational structure of the Florida Fish and Wildlife Conservation Commission (FWC) in an effort to align and integrate similar functions in the agency, flatten the organizational structure, and improve efficiency. However, the new structure does not comport with the organizational structure provided in ch. 20, F.S., and the bill does not provide an exemption for the new structure in s. 20.04, F.S., where other departments are exempted from complying with the ch. 20, F.S., requirements.

The bill also requires the FWC to publish the Florida Wildlife Magazine. It provides 4.5 FTE's and appropriates \$390,000 to the FWC from the State Game Trust Fund in FY 2004-2005 for purposes of funding the publication of the magazine and supporting the magazine's advisory council.

The proposed reorganization does not appear to result in a fiscal impact on state government, local governments, or private entities.

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

**STORAGE NAME:** h1799d.ap.doc  
**DATE:** April 23, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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:

**General Background of the FWC** Prior to 1999, regulation of Florida's wild animal life, freshwater aquatic life, and marine life was performed primarily by three governmental entities:

1. *The Florida Game and Fresh Water Fish Commission* (Game Commission), a constitutional entity with exclusive regulatory and executive authority over wild animal life and freshwater aquatic life;

2. *The Marine Fisheries Commission* (Marine Commission), a statutory entity placed within the Department of Environmental Protection (DEP) with limited jurisdiction over the management of marine life; and

3. *The Department of Environmental Protection* (DEP), a statutory agency with authority over some aspects of marine life and full authority over marine law enforcement.

Adopted by 70% of Florida voters on November 3, 1998, Revision 5 to the Florida Constitution amended Article IV, §9 and created Article XII, §23 (1998 Revision) for the purpose of creating the Florida Fish and Wildlife Conservation Commission (FWC) and consolidating the regulation of wild animal life, freshwater aquatic life, and marine life in one agency. In doing so, the Game Commission and Marine Commission were abolished and the jurisdiction of both entities was transferred to the FWC.

The text of the 1998 Revision, as it currently appears in Article IV, § 9 and Article XII, § 23, Fla. Const., reads as follows:

*Art. IV, §9*

Fish and wildlife conservation commission.--There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The commission shall exercise the regulatory authority and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from license fees for the taking of wild animal

life and fresh water aquatic life shall be appropriated to the commission by the legislature for the purposes of management, protection, and conservation of wild animal life and fresh water aquatic life. Revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purposes of management, protection, and conservation of marine life as provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution.

*Art. XII, §23(b)*

(b) The jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the fish and wildlife conservation commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law. All rules of the marine fisheries commission and game and fresh water fish commission in effect on the effective date of this amendment shall become rules of the fish and wildlife conservation commission until superseded or amended by the commission.

In 1999, the Legislature enacted implementing legislation transferring to the FWC certain functions that were statutorily delegated to the DEP and the Marine Commission, including: administering commercial fishing licensing programs; managing, preserving, and protecting Florida's coastal and marine resources, including saltwater plants and animals, fish and shellfish, endangered and threatened species, critical marine habitat, and coastal uplands; law enforcement of saltwater fisheries rules and regulations; marine mammal protection and enforcement; seafood quality control and enforcement; enforcement of boating safety regulations; patrol of Florida's marine waters and state parks; and, emergency response. The implementing legislation also transferred statutory functions of the Game Commission to the FWC.<sup>1</sup>

With the exception of its law enforcement functions, other functions of the FWC have not been fully integrated since the FWC's creation. Therefore, the current structure of the FWC lends itself to duplicative and inefficient efforts to regulate the state's wild animal life, freshwater aquatic life, and marine life.

**EFFECT OF PROPOSED CHANGES**

**Restructure concept generally** The bill substantially revises certain provisions in s. 20.331, F.S., to reorganize the FWC according to a restructure plan developed by the agency, with the participation of stakeholders, over the last two years. The FWC proposes to restructure the agency in an effort to combine like functions, especially biological and administrative functions, flatten the organization to reduce bureaucracy, and shift decision-making to the local levels where staff is more familiar with local issues. The FWC anticipates that the restructure will result in the following additional benefits:

- Improved customer service;
- Improved communication and dialog between the FWC and the public, stakeholders, law enforcement, and scientists;
- Increased partnering with the community, government agencies, and private entities to leverage state resources more efficiently;
- Improved leadership in brokering solutions between stakeholder groups, coordinating with other government agencies, and promoting judicial prosecutions; and
- Increased efficiency to do more with license and tax revenues.

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<sup>1</sup> Ch. 99-245, Laws of Florida.

**Organizational Terminology**<sup>2</sup> Historically, the FWC has complied with requirements applicable to most state agencies regarding use of standard terminology and internal organizational structures. Therefore, the FWC's internal structure is currently composed of the following administrative units:

- The principal unit of the FWC is the "division" headed by a "director."
- The principal unit of the division is the "bureau" headed by a "chief."
- The principal unit of the bureau is the "section" headed by an "administrator."
- If further subdivision is necessary, sections are divided into "subsections" headed by "supervisors."
- For field operations, the FWC may establish district or area offices that combine division, bureau, section, and subsection functions.

Pursuant to the bill, the FWC's internal organizational structure is revised to include the following administrative units:

- The principal unit of the FWC is the "division" headed by a "director."
- The principal unit of the division is the "section" headed by a "leader."
- The principal unit of the section is the "subsection" headed by an "administrator." The FWC asserts that further subdivision of the agency is unnecessary under the proposed structure.

For purposes of conforming to the state payroll classification system, the bill requires section leader positions to be classified at a level equal to bureau chiefs, and subsection administrators to be classified at a level equal to supervisors. The Executive Director is given the discretion to classify office director positions at a level equal to division directors, bureau chiefs, or administrators.

**Current Administrative Units** Currently, the statutes establish the primary organizational units within the FWC and require the FWC to assign duties, responsibilities, and functions to those units as necessary for each unit to perform its assigned functions, which are set forth in statute as follows:

- *The Division of Freshwater Fisheries (155 FTEs*<sup>3</sup> ensures compliance with the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's freshwater aquatic life.
- *The Division of Marine Fisheries (43 FTEs)* ensures compliance with the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's marine life resources.
- *The Division of Wildlife (302.5 FTEs)* ensures compliance with the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's wildlife resources.
- *The Division of Law Enforcement (900.5 FTEs)* ensures enforcement of the laws and rules governing the management, protection, conservation, improvement, and expansion of Florida's wildlife resources, freshwater aquatic life resources, and marine life resources. In the performance of their duties as sworn law enforcement officers for the State of Florida, the division's officers are required to assist in the enforcement of all general environmental laws remaining under the responsibility of the Department of Environmental Protection.
- *The Florida Marine Research Institute (248.5 FTEs)* serves as the primary source of research and technical information and expertise on the status of Florida's saltwater resources; monitors the status and health of saltwater habitat, marine life, and wildlife; develops and implements restoration techniques for marine habitat and enhancement of saltwater plant and animal populations; responds and provides critical technical support for marine catastrophes including oil spills, ship groundings, major marine species die-offs, hazardous spills, and natural disaster; identifies and

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<sup>2</sup> ss. 20.04(2) & (3), F.S.

<sup>3</sup> ss. 20.331(3) & (5), F.S.; The number of FTEs assigned to each unit is based upon data provided by the FWC and are not established in statute.

monitors marine toxic red tides and their impacts and provides technical support for state and local public health concerns; and provides state and local governments with estuarine, marine, coastal technical information and research results.

➤ *The Office of Boating and Waterways (17 FTEs)* manages and promotes the use of state waterways for safe and enjoyable boating with duties and responsibilities including oversight and coordination of waterway markers on state waters, providing boating education and boating safety programs, improving boating access, coordinating the removal of derelict vessels from state waters, economic development initiatives to promote boating in the state, and coordinating the submission of state comments on marine events.

➤ *The Division of Administrative Services (85 FTEs)*<sup>4</sup>. The statutes do not currently assign specific duties or functions to the Division of Administrative Services.

**Proposed Administrative Units** The bill renames administrative units within the FWC, and requires the FWC and the Legislature to assign duties, responsibilities, and functions to those units as necessary for each unit to perform its statutory functions.<sup>5</sup> Attached to this analysis as Appendix A is a chart developed by the FWC which provides a brief summary of the placement of current functions within newly created administrative units. The functions of each unit created by the bill are as follows:

➤ *The Division of Marine Fisheries Management (24 FTEs)* facilitates the responsible and sustained use of marine life resources; develops recommendations for managing and enhancing commercial and recreational saltwater fisheries resources; implements marine fisheries management programs; and assists in the development and monitoring of artificial reefs in Florida waters.

➤ *The Division of Hunting and Game Management (46 FTEs)* facilitates the responsible and sustained use of wildlife resources; develops science-based recommendations to support effective regulation of public use and sound management of game wildlife resources; coordinates the development and management of public hunting opportunities; and delivers hunter safety training and certification.

➤ *The Division of Freshwater Fisheries Management (69.5 FTEs)* facilitates the responsible and sustained use of freshwater aquatic life resources; provides expertise on freshwater fish populations or other aspects of freshwater fisheries needed for recreational and commercial use management decisions; and assesses impacts of decisions made by others to ensure quality fisheries and fishing in selected Florida lakes, fish management areas, rivers, and streams.

➤ *The Division of Habitat and Species Conservation (285.5 FTEs)* protects and conserves Florida's diverse and unique fish and wildlife; utilizes scientific data to develop resource management plans to maintain stable or increasing populations of fish and wildlife species; focuses duties and responsibilities at the ecosystem or landscape level to provide for the greatest benefits to the widest possible array of fish and wildlife species including public lands habitat restoration and management; develops and implements plans for nongame species management and imperiled species recovery; provides scientific support and assistance to private and public sector landowners on habitat-related issues; performs aquatic habitat restoration and habitat management assistance; acquires state lands; and coordinates exotic species control measures and prevention of introductions.

➤ *The Fish and Wildlife Research Institute (266 FTEs)* serves as the primary source of research and technical information and expertise on the status of Florida's saltwater, freshwater, and terrestrial resources; monitors the status and health of saltwater, freshwater, and terrestrial species and their habitat; develops restoration and management techniques for habitat and enhancement of plant and animal populations; responds and provides critical technical support for catastrophes including oil spills, ship groundings, major species die-offs, hazardous spills, and natural disaster; identifies and monitors marine and freshwater harmful algal blooms, including red tides, evaluate their impacts; provides technical support for state and local public health concerns; and provides state and local governments with fish and wildlife technical information and research results.

➤ *The Division of Law Enforcement (889.5 FTEs)* ensures enforcement of the laws and rules governing the management, protection, conservation, improvement, and expansion of wildlife

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<sup>4</sup> The statutes do not assign specific duties or functions to the Division of Administrative Services.

<sup>5</sup> ss. 20.331(3) & (5), F.S.; Information regarding the number of FTEs assigned to each unit is based upon information provided by the FWC and is not established in statute.

resources, freshwater aquatic life resources, and marine life resources; as sworn law enforcement officers for the State of Florida, the division's officers enforce all laws relating to boating, provide public safety for citizens on lands and waters of the State, particularly in the more remote areas; provides search and rescue and disaster response capabilities when necessary; assists in the enforcement of all general laws; and coordinates with local, state, and federal entities on enforcement issues. The bill renames the "Office of Boating and Waterways" as the "Boating and Waterways Section," but does not amend its statutory responsibilities and duties.

➤ The Office of Executive Direction and Administrative Support Services functions as the principal unit for administrative and support services and is headed by the Executive Director of the FWC. Each additional office within this principal unit must be headed by a "Director", except for the Regional Operations Office, which must have five directors representing the five administrative regions of the state as established by the FWC. The bill creates the following offices within the principal unit: Finance and Budget Office; Human Resources Office; Information Technology Office; Inspector General's Office; Legal Office; and the Regional Operations Office.

**Reallocation of Duties**<sup>6</sup> Currently, the FWC may not reallocate duties and functions specifically assigned by law to a specific unit of the agency unless specifically authorized by law. Those functions or agencies assigned generally to the FWC without specific designation to a unit of the FWC may be allocated and reallocated to a unit of the FWC at the discretion of the Commission.

The bill does not amend current law with respect to reallocation of statutorily assigned duties and functions.

**Creation of new divisions, bureaus, sections, and subsections**<sup>7</sup> Consistent with most other state agencies, current law permits the FWC to recommend the establishment of additional divisions, bureaus, sections, and subsections of the FWC to promote efficient and effective operation of the agency. New bureaus, sections, and subsections within the FWC may be initiated by the FWC and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment. For purposes of such recommendations and approvals, the Department of Management Services and the Executive Office of the Governor, respectively, must adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies. The criteria must be applied to future agency requests for reorganization and must be used to review the appropriateness of bureaus currently in existence. Any current bureau that does not meet the criteria for a bureau must be reorganized into a section or other appropriate unit.

The bill revises current law to provide that additional divisions within the FWC may be established only by specific statutory enactment. Divisions, sections, and offices created by the bill may only be abolished by statutory enactment. New sections, subsections, and office of the FWC may be initiated by the FWC and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment.

**FWC Leadership**<sup>8</sup> Currently, the head of the FWC is the seven-member commission appointed by the Governor. The FWC is authorized to appoint, fix the salary of, and at its pleasure, remove a person, not a member of the commission, as the executive director, who must also be confirmed by the Senate.

The bill does not amend current law with respect to the leadership of the FWC.

**Adequate Due Process Required**<sup>9</sup> Currently, the FWC is required to implement a system of adequate due process procedures to be accorded to any party, as defined in s. 120.52, whose substantial

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<sup>6</sup> s. 20.04(7)(a), F.S.

<sup>7</sup> s. 20.04(7)(b), F.S.

<sup>8</sup> ss. 20.331(1) & (4), F.S.

interests will be affected by any action of the FWC in the performance of its constitutional duties or responsibilities. Current law also encourages the FWC to incorporate in its process the provisions of s. 120.54(3)(c) when adopting rules in the performance of its constitutional duties or responsibilities.

The bill does not amend current law with respect to due process procedures with respect to the FWC's implementation of its constitutional authority.

**Statutory Duties and Responsibilities**<sup>10</sup> Current law requires the FWC to follow the provisions of Chapter 120, F.S., when adopting rules in the performance of its statutory duties or responsibilities which include, but are not limited to research and management responsibilities for marine species listed as endangered, threatened, or of special concern, including, but not limited to, manatees and marine turtles; establishment and enforcement of boating safety regulations; land acquisition; enforcement and collection of fees for all recreational and commercial hunting or fishing licenses or permits; aquatic plant removal using fish as a biological control agent; enforcement of penalties for violations of commission rules, including, but not limited to, the seizure and forfeiture of vessels and other equipment used to commit those violations; establishment of free fishing days; regulation of off-road vehicles on state lands; establishment and coordination of a statewide hunter safety course; establishment of programs and activities to develop and distribute public education materials; exercising the police powers of wildlife and marine officers; establishment of citizen support organizations to provide assistance, funding, and promotional support for programs of the commission; creation of the Voluntary Authorized Hunter Identification Program; and regulation of required clothing of persons hunting deer.

The bill does not amend current law with respect to FWC's statutory duties and responsibilities or statutory rulemaking requirements.

**FWC Permit Commenting Authority, Land Acquisition Authority, and Employee Bonds** The bill rennumbers the provisions in s. 20.331, F.S., related to the above-referenced topics but does not amend the substantive provisions.<sup>11</sup>

**Citizen Support Organizations** Section 20.2551, F.S., relates to the operations and functions of citizen support organizations organized to make expenditures to or for the direct benefit of the DEP. These organizations may not receive funds from the DEP or the Florida Marine Research Institute by gift, grant, or contract unless specifically authorized by law. However, the FMRI does not provide grants or gifts to any CSOs within the DEP. Therefore, the reference to the FMRI is unnecessary and is deleted by this bill.

**Florida Wildlife Magazine** The *Florida Wildlife Magazine* was published in Florida from 1947 through 2003, initially by the former Game Commission and recently by the FWC. However, budget reductions resulted in the loss of funding for the magazine, and the November-December 2003 issue was the final issue published. The Governor's recommended budgets for both FY 2002-03 and FY 2003-04 eliminated the Florida Wildlife Magazine. In FY 2002-03 and FY 2003-04, the FWC did not recommend elimination of the magazine in its Legislative Budget Request. In FY 2002-03, the FWC eliminated the magazine in its Schedule VIII-B, which is a list of potential budget reductions required of all state agencies by law; however, the FWC did not propose elimination of the magazine in its Legislative Budget Request.

The bill amends s. 372.0222(b), F.S., to require the FWC to publish the magazine on a quarterly-basis and create the seven-member Florida Wildlife Magazine Advisory Council (advisory council), appointed by the commission, to provide recommendations to the FWC regarding publication of the magazine. The bill specifies maximum subscription fees and provides for commission control over advertising

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<sup>9</sup> ss. 20.331(6)(a) & (b), F.S.

<sup>10</sup> s. 20.331(6)(c), F.S.

<sup>11</sup> ss. 20.331(9),(10), and (11), F.S.

elements. The bill also provides a \$390,000 appropriation to the FWC from the State Game Trust Fund for FY 2004-2005 to fund publication of the magazine and provides for per diem and travel expenses of advisory council members. The bill also authorizes 4.5 FTE's.

**Repeal of Statutory Provisions** The bill repeals certain provisions of chs. 370 and 372, F.S., and one provision in chapter law, due to obsolescence or redundancy. The majority of these provisions were recommended for repeal in the House Committee on Natural Resources' 2003-2004 interim project report entitled *Review of Statutes Pertaining to Wild Animal Life, Freshwater Aquatic Life, and Marine Life*. Staff is unaware of any opposition or concerns with the repeal of any of these provisions.

The following table provides citations to provisions repealed by the bill, summarizes each provision's purpose, and provides a justification for repeal:

Provision	Purpose of Statute and Reason for Repeal
370.021(11)	Authorizes the FWC to require employee bonds. This provision is duplicative of s. 20.331(9) [renumbered as s. 20.331(11) in the bill].
370.16(2) & (5)	Subsection (2) relates to establishing shellfish harvesting seasons in Apalachicola Bay, which appears to be within the constitutional purview of the FWC and is now the subject of FWC Rule 68B-27.017, F.A.C. Subsection (5) authorizes the FWC to patrol marine waters and establish ports of entry for payment of severance tax on the collection of oysters, and requires persons associated with harvesting shellfish to maintain certain records when requested to do so by the FWCC. Both of these provisions are obsolete.
370.172(4)	This provision prohibits special acts relating to spearfishing in saltwater. This provision is obsolete given that Art. IV, § 9 of the Florida Constitution now prohibits special laws or general laws of local application with respect to hunting and fishing.
370.083	This provision prohibits special laws affecting the sale or purchase of speckled sea trout or weakfish. This provision is obsolete given that Art. IV, § 9 of the Florida Constitution now prohibits special laws or general laws of local application with respect to hunting and fishing.
370.162	This provision requires local governments to purchase sponges produced in Florida if price, quality, and fitness are equal. This provision was enacted in 1963 and does not appear to be utilized or enforced.
372.051	This section provides that certain documents of the FWC are admissible in evidence in all cases and proceedings without further authentication. Section 90.902, F.S., of the Florida Evidence Code appears to adequately address this issue.
372.9906	This provision creates the Wildlife Law Enforcement Program in the FWC, but the program is neither active nor funded by the Legislature.
Subsection (3) of section 5, Chp. 99-245, L.O.F.	This provision, enacted in 1999, established the Florida Marine Research Institute as a separate budget entity within the FWC assigned to the Office of the Executive Director for administrative purposes. This provision is not consistent with the organizational structure proposed by the bill.

C. SECTION DIRECTORY:

Section 1. Amends s. 20.331, F.S., revising organizational structure of the Florida Fish and Wildlife Conservation Commission.

Section 2. Amends s. 20.2551, F.S., regarding citizen support organizations.

Sections 3-7 and 9-12: Amend ss. 370.0603, 370.06091, 370.06092, 370.06093, 372.0215, 372.0225, 372.5701, 372.5702, and 403.0882, F.S., respectively, conforming language to changes made by the act.



- Section 8. Amends s. 370.0222, F.S., regarding the Florida Wildlife Magazine.
- Section 13. Repeals ss. 370.021(11), 370.16(2) and (5), 370.083, 370.162, 372.051, and 372.9906, F.S.
- Section 14. Amends chapter 99-245, Laws of Florida, deleting a provision relating to the FMRI.
- Section 15. Appropriates \$390,000 from the State Game Trust Fund and authorizes 4.5 FTE's.
- Section 16. Provides an effective date of July 1, 2004.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.
2. Expenditures: The bill provides a \$390,000 appropriation to the FWC from the State Game Trust Fund in FY 2004-2005 for purposes of funding publication of the Florida Wildlife Magazine. Of this amount, \$367,000 is for publishing the magazine, in part funding 4.5 FTE's, and \$23,000 is for travel and per diem for advisory board members.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.
2. Expenditures: None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

### D. FISCAL COMMENTS:

The FWC provided the following comments in response to questions regarding the lack of reductions in FTE's under its proposed organizational structure:

"The Fish and Wildlife Conservation Commission (FWC) does not propose any reductions in staff as a result of the proposed restructuring. The restructure is in response to stakeholders' requests that the agency improve its levels of service using the agency's current staff and budget.

The FWC's approach to providing these improved levels of service is to increase efficiency and effectiveness. An example of expected efficiencies is in licensing and permitting. Currently, the licensing and permitting function is conducted in two (2) divisions: Marine Fisheries and Administrative Services. The restructure would move this function and some of the staff into a Licensing and Permitting Office. Remaining staff would stay in Marine Fisheries and be reallocated to do biologically-oriented marine fisheries work.

Improved effectiveness is expected from reinvesting staff time saved through improved efficiency into core mission duties, allocating staff time to developing partnerships, implementing community oriented policing, and improving our science capabilities.

FWC stakeholders asked that the agency deliver a better quality of service and a more cohesive and timely approach to the delivery of that service. The current FWC structure, however, is a

serious impediment to that goal. The restructure proposal was developed as a way to reach the goal - using existing resources.”

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require the counties or cities to spend funds or take an action 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: This bill does not appear to impact the rulemaking authority of any state agency.

#### C. DRAFTING ISSUES OR OTHER COMMENTS: The bill revises the organizational structure of the FWC. However, the new structure does not comport with the organizational structure provided in ch. 20, F.S., and the bill does not provide an exemption for the new structure in s. 20.04, F.S., where other departments are exempted from complying with the ch. 20, F.S., requirements.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

HB 1799 was amended by the Committee on State Administration on March 31, 2004. The committee adopted a strike-all amendment which:

- Provides for four-year terms for the members of the Florida Wildlife Magazine advisory council, required quarterly meetings, and for members' removal by the commission.
- Provides for the commission to approve the elements of magazine advertising and requires the magazine to include a disclaimer statement regarding advertising.
- Specifies maximum magazine subscription fees.
- Reclassifies the Fish and Wildlife Research Institute as the principal unit for research services.
- Provides for an appropriation of \$390,000 from the State Game Trust Fund and authorization of 4.5 full-time-equivalent positions for FY 2004-2005 to fund operating and publication costs of the Florida Wildlife Magazine and travel costs and per diem for the magazine's advisory council.
- Assigns to the commission, rather than to its Division of Freshwater Fisheries Management, certain powers regarding freshwater organisms.
- Deletes the specific references to the Divisions of Freshwater Fisheries Management and Marine Fisheries Management regarding the recipients of the funds from the Wallop-Breaux Aquatic Resources Trust Fund.

The bill was reported favorably with a committee substitute.

**Appendix A<sup>12</sup>**  
**Fish and Wildlife Conservation Commission Restructure Proposal**  
**February 3, 2004**

The Fish and Wildlife Conservation Commission's (FWC) proposed restructuring primarily integrates biological and administrative functions to focus on the big and emerging issues facing fish, wildlife, and habitat while maintaining our core focus on fishing and hunting. The proposed changes to existing divisions and offices are:

- ❖ Division of Wildlife: Move the hunting and directed game management to a higher level in the agency by creating a new Hunting and Game Management Division, and move the habitat and nongame components into a new Habitat and Species Conservation Division. All three functional areas of hunting and game management, habitat conservation and species conservation will now have a seat at the senior leadership table.
- ❖ Division of Freshwater Fisheries: Move the directed fisheries management activities to a higher level and move the habitat restoration and management efforts into the new Habitat and Species Conservation Division.
- ❖ Florida Marine Research Institute: Move the research and monitoring components from the divisions of Wildlife, Freshwater Fisheries and Law Enforcement to make up the new Fish and Wildlife Research Institute.
- ❖ Division of Marine Fisheries: Move commercial licensing to the new Licensing and Permitting Office.
- ❖ Division of Administrative Services: Develop a regional service center concept and move licensing into the new Licensing and Permitting Office.
- ❖ Office of Environmental Services: Move basic services back into the Divisions and establish coordinating functions for many of their services in the new Policy and Stakeholder Coordination Office.
- ❖ Office of Information Services: Move basic services back into the Divisions and regions and establish coordinating functions for many of their services in the Community Relations Office.
- ❖ Division of Law Enforcement: No moving of organizational units but are eliminating bureau chiefs as part of an overall flattening of the organization to make decisions at the local level.

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<sup>12</sup> This document was provided by the FWC.