

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Governmental Operations Committee

BILL: CS/SB 1286

INTRODUCER: Environmental Preservation Committee and Senator Saunders

SUBJECT: Review of the Fish and Wildlife Conservation Commission

DATE: March 17, 2008 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bascom	Kiger	EP	Fav/CS
2.	McKay	Wilson	GO	Favorable
3.			GA	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The committee substitute (CS) reenacts the statutory provisions relating to the establishment of the Florida Fish and Wildlife Conservation Commission (FWC or commission).

The CS creates a new definition for a non-motor-powered vessel as well as increasing vessel registration fees for all vessels that require registration. Additionally, the CS adds a consumer price index (CPI) that adjusts vessel registration fees as well as hunting and fishing license fees every five years unless proscribed by general law.

The CS repeals the Federal Law Enforcement Trust Fund, the Waterfowl Advisory Council, the Florida Panther Technical Advisory Council, and the Nongame Wildlife Advisory Council.

Finally, the CS directs both the Office of Program Policy and Government Accountability (OPPAGA) and the FWC to conduct reviews of specific programs to determine if there are cost-saving opportunities or potential efficiencies that can be gained from either outsourcing or through restructuring or downsizing certain activities.

The CS amends sections 328.48, 328.56, 328.72, and 372.57, Florida Statutes.

The CS repeals sections 372.107, 372.5714, 372.673, and 372.992, Florida Statutes.

II. Present Situation:

Under the Florida Government Accountability Act, sections 11.901-11.920, F.S., most state agencies and their respective advisory committees are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished.

Reviews are accomplished in three steps. First, an agency under review must produce a report providing specific information, as enumerated in s. 11.906, F.S. Upon receipt of the agency information, the Joint Legislative Sunset Committee and the House and Senate committees assigned to act as sunset review committees must review the information submitted and may request studies by the OPPAGA.

Based on the agency submission, the OPAGGA studies, and public input, the Joint Legislative Sunset Committee and the legislative sunset review committees will:

- Make recommendations on the abolition, continuation, or reorganization of each state agency and its advisory committees and on the need for the performance of the functions of the agency and its advisory committees; and
- Make recommendations on the consolidation, transfer, or reorganization of programs within the state agencies not under review when the programs duplicate functions performed in agencies under review.

Also, the House and Senate sunset review committees must propose legislation necessary to carry out the committee’s recommendations.

An agency subject to review is scheduled to be abolished on June 30 following the date of the review as specified in s. 11.905, F.S., provided the Legislature finds that all state laws the agency had responsibility to implement or enforce have been repealed, revised, or reassigned to another remaining agency and that adequate provision has been made to transfer certain duties and obligations to a successor agency. If an agency is not abolished, continued, or reorganized, the agency shall continue to be subject to annual sunset review by the Legislature.

The Senate Committee on Environmental Preservation and Conservation (committee) is the primary sunset review committee for reviews of the FWC. The Senate General Government Appropriations Committee assisted in this review.

The FWC was created in 1999 by Constitutional Amendment Five and is a combination of the former Game and Freshwater Fish Commission, Marine Fisheries Commission, and elements of the Florida Department of Environmental Protection.¹ Under the Constitution, the Legislature may pass laws in aid of the commission in the areas of planning, budget, personnel management, and purchasing.²

¹ Chapter 99-245, Laws of Florida.

² Legislative authority provided in Article IV, Section 9, Florida Constitution. In 2004, SB 2820 reorganized the structure of the FWC under s. 20.331, F.S.

The FWC is responsible for regulating, managing, and protecting the state's fish and wildlife resources. The FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate to five-year terms. The Commission's lead mission is to manage the fish and wildlife resources for their long-term well-being and for the benefit of the people. The overarching goal of the agency is to provide for healthy resources and satisfied customers. The agency's objectives are to provide for an increasing or stable fish and wildlife population, and to increase the number of customers and continue to provide customer satisfaction.

In its review, the committee found that many of the FWC's programs cannot be provided more efficiently by another agency. Often, many of the programs rely on federal matching grants and several have been delegated to the state to administer on behalf of the federal government. However, the FWC has become increasingly reliant on general revenue subsidies in order to meet its constitutional and statutory duties. Of the agency's overall budget of approximately \$276 million, \$51.9 million, or 24 percent, comes from general revenue.³

The committee, therefore, recommended that the FWC be retained along with its various programs, advisory councils, and committees, with certain modifications.

III. Effect of Proposed Changes:

Section 1: Provides that s. 20.331, F.S., relating to the establishment of the FWC, is reenacted.

Section 2: Redefines the term "non-motor-powered vessel". The FWC indicates that of the approximate 10,000 derelict vessels in their database, almost 3,500 (one-third) are vessels that are non-motor-powered and therefore exempt from registration. Increasing vessel registration requirements could potentially reduce state costs associated with derelict vessel removal when the ownership of such vessels cannot be ascertained.

Section 3: Makes a definition change to conform with the changes made in section 2.

Section 4: Provides an increase to vessel registration fees, based on the consumer price index increases from when the fees were last increased in 1992 to today, as follows:

- Class A-1 vessels (less than 12 feet in length and motorized canoes) will increase from \$3.50 to \$5.50 annually;
- Class A-2 vessels (12 to 16 feet in length) will increase from \$10.50 to \$16.25 annually;
- Class 1 vessels (16 to 26 feet in length) will increase from \$18.50 to \$28.75 annually;
- Class 2 vessels (26 to 40 feet in length) will increase from \$50.50 to \$78.25 annually;
- Class 3 vessels (40 to 65 feet in length) will increase from \$82.50 to \$127.75 annually;
- Class 4 vessels (65 to 110 feet in length) will increase from \$98.50 to \$152.75 annually;
- Class 5 vessels (110 feet or more in length) will increase from \$122.50 to \$189.75 annually; and
- Dealer registration certificates will increase from \$16.50 to \$25.50 annually.

³ Fiscal year 2007 – 2008 data provided by the Committee on General Government Appropriations for interim report number 2008 – 211.

Additionally, a consumer price index increase will apply to vessel registration fees every five years unless otherwise proscribed by general law. The FWC is required to provide a report to the Legislature in each year the increases are scheduled to go into effect detailing how such increases will be utilized within the agency.

Section 5: Provides a consumer price index increase to recreational hunting and fishing licenses every five years unless otherwise proscribed by general law. The FWC is required to provide a report to the Legislature in each year the increases are scheduled to go into effect detailing how such increases will be utilized within the agency.

Section 6: Directs OPPAGA to conduct a review of the FWC's Office of Executive Direction and Administrative Services public relations and outreach staffing levels to determine if they are appropriate to an agency of similar makeup and size. The OPPAGA must submit a report to the Legislature with findings and recommendations that identify cost-saving benefits or efficiency gains by January 1, 2009.

Section 7: Directs OPPAGA to conduct a review of the FWC's Freshwater Fisheries and Marine Fisheries Management divisions educational programs to determine if there are any duplication of efforts with other state agencies or if any efficiencies may be gained through restructuring or combining programs. The OPPAGA must submit a report to the Legislature with findings and recommendations that identify cost-saving benefits or efficiency gains by January 1, 2009.

Section 8: Directs FWC to complete the Division of Law Enforcement's 5-year "Air Station" conceptual plan, designed to improve aircraft operations and maintenance, to determine if additional efficiencies may be gained. The FWC shall submit its findings and recommendations to the Legislature by January 1, 2009.

Section 9: Directs FWC to conduct a review of its land management activities to determine if efficiencies may be gained or cost-saving benefits may be achieved through combining or outsourcing such activities. The FWC shall submit a report detailing its findings and recommendation to the Legislature by January 1, 2009.

Section 10: Directs the FWC to conduct a cost-benefit analysis of the Fish and Wildlife Research Institute activities to determine if efficiencies or cost-saving benefits may be gained by outsourcing select activities. The FWC shall submit a report detailing its findings and recommendations to the Legislature by January 1, 2009.

Section 11: Repeals the following sections of Florida Statute:

- s. 372.107, F.S. – Federal Law Enforcement Trust Fund;
- s. 372.5714, F.S. – Waterfowl Advisory Council;
- s. 372.673, F.S. – Florida Panther Technical Advisory Council; and
- s. 372.992, F.S. – Nongame Wildlife Advisory Council.

The CS would take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

There are no estimates on how much the vessel registration and recreational hunting and fishing license fees would increase based on a change to the consumer pricing index on a 5-year interval.

B. Private Sector Impact:

Boat owners who are required to register their boats would encounter an initial increase in vessel registration fees of approximately 55 percent. Registration fees would likely increase every 5 years based on the consumer price index at that time. Additionally, resident and non-resident annual recreational hunting and fishing licenses would increase based on the same consumer price index every 5 years. It is unknown what those potential increases may be as there is no way to determine what the CPI would be in 5 years.

C. Government Sector Impact:

The FWC estimates an increase to revenues of approximately \$9.8 million annually based on the increase to vessel registrations. Additionally, DEP and DACS revenues are estimated to increase by approximately \$161,000 annually based on vessel registration fee increases. The FWC indicates that \$1,767,979 would be spent on the derelict vessel program (with associated costs) as well as expenses for fuel costs, while the remaining \$8 million would be used for a fund shift of general revenue. This could potentially reduce the agencies reliance on general revenue by approximately 15 percent.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Environmental Preservation on March 13, 2008:

The CS redefined the term “non-motor-powered vessel”. It also increases the vessel registration fees for all vessels that require registration as well as adding a consumer price index to both vessel registration and annual recreational hunting and fishing license fees.

The CS directs OPPAGA and the FWC to conduct reviews of certain activities within the agency to determine if cost-saving benefits or efficiencies can be achieved.

The CS deletes an obsolete statute pertaining to the Federal Law Enforcement Trust Fund as well as several dormant advisory councils.

- B. **Amendments:**

None.