

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

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BILL: SB 320

INTRODUCER: Senator Hooper

SUBJECT: Residential Conservation Programs

DATE: March 12, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Anderson</u>	<u>Rogers</u>	<u>EN</u>	<b>Favorable</b>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 320 authorizes the Fish and Wildlife Conservation Commission to organize, staff, equip, and operate residential conservation programs to provide education and training about fish and wildlife conservation to the public, commission employees, and volunteers. The bill provides explicit statutory authorization to the commission to support its long history of providing these programs.

The bill authorizes the commission to establish cooperative efforts with federal, state, and local entities; procure commodities and contractual services such as travel, lodging, and meal services; and hire and train appropriate personnel and volunteers to support these programs.

The bill has no fiscal impact on state funds.

The bill takes effect July 1, 2019.

**II. Present Situation:**

**Fish and Wildlife Conservation Commission (FWC)**

The FWC is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.<sup>1</sup> 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.<sup>2</sup> Under Art. IV, s. 9 of the Florida Constitution, the FWC is granted the authority to exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life. The

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<sup>1</sup> FLA. CONST. art. IV, s. 9.

<sup>2</sup> *Id.*; see also section 379.102(1), F.S.

Legislature may enact laws that aid the FWC in its exercise of regulatory functions and executive powers in the areas of planning, budgeting, personnel management, and purchasing.<sup>3</sup>

### **History of Residential Conservation Programs**

The FWC and its predecessor agency, the Game and Fresh Water Fish Commission, have a long history of hosting fish and wildlife conservation residential camps, programs, and trainings, going back to the 1950s.<sup>4</sup> The FWC estimates that since the 1950s, it has hosted over 50,000 resident summer campers.<sup>5</sup> The FWC has conducted these activities as an exercise of its constitutional and statutory authority.<sup>6</sup>

The FWC provides education and training programs to encourage, inform, instruct, and support the public and youth. The FWC's Strategic Plan specifically includes an initiative that states the FWC's goal to "increase participation among youth and families representing Florida's diverse population by expanding partnerships to implement Florida Youth Conservation Centers Network and other programs that promote fishing, hunting, boating, wildlife viewing, shooting sports, and conservation appreciation."<sup>7</sup>

The FWC has established several programs in support of this strategic initiative. Through its Recruit, Retain, and Reactivate (R3) program, the FWC partners with industry members and organizations to encourage anglers, boaters, hunters, and shooting sports participants as part of its national campaign to increase participation in conservation efforts. The R3 initiative involves a number of programs including fishing seminars, educator training, and the youth hunting program.<sup>8</sup>

The FWC established the Florida Youth Conservation Centers Network as part of a collaborative outreach effort to instill in Florida's youth an appreciation and sense of ownership in Florida's fish and wildlife and their habitat. These residential programs have traditionally been conducted at the Ocala Youth Conservation Center and the Everglades Youth Conservation Center.<sup>9</sup>

The FWC also has an outreach program, Becoming an Outdoor Woman, which is specifically designed to introduce women to various outdoor activities, including hunting, shooting, fishing, camping, and kayaking. The program includes sessions of shooting sports, small-game hunting basics, bowhunting basics, and certification courses on bowhunting and hunter safety.<sup>10</sup>

The Legislature has enacted various statutes that support the FWC's education and training programs. For example, the Legislature has authorized the FWC to use a percentage of proceeds

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<sup>3</sup> FLA. CONST. art. IV, s. 9.

<sup>4</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 320 Agency Legislative Bill Analysis* (Jan. 28, 2019) (on file with the Senate Committee on Environment and Natural Resources).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Florida Fish and Wildlife Conservation Commission, *Agency Strategic Plan*, <http://strategicplan.myfwc.com/Initiatives/Participation.html> (last visited Feb. 26, 2019).

<sup>8</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 320 Agency Legislative Bill Analysis* (Jan. 28, 2019) (on file with the Senate Committee on Environment and Natural Resources).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

from its hunting and sport fishing permits to “promote hunting and sport fishing activities with an emphasis on youth participation.”<sup>11</sup> The Legislature has also authorized donations collected from recreational licenses and permits to be deposited into the State Game Trust Fund “to be used solely for the purpose of enhancing youth hunting and youth freshwater and saltwater fishing programs.”<sup>12</sup> Another example is the statutory requirement that the FWC provide hunter safety training and certification.<sup>13</sup>

The Legislature has funded the FWC’s efforts and residential conservation programs through its appropriations process. Over the last five years, the Legislature has appropriated approximately \$2.1 million in Fixed Capital Outlay for the Everglades Youth Conservation Camp, and \$750,000 in Fixed Capital Outlay for the Ocala Conservation Center.<sup>14</sup>

The FWC stated in its agency bill analysis that during the 2018-2019 fiscal year, the Department of Financial Services (DFS) denied payment for catering services used to support the Becoming an Outdoors Woman program.<sup>15</sup> The FWC indicated that the DFS raised concerns that the FWC lacks clear statutory authority to organize, staff, equip, operate, and provide meals and meal services for all residential education.<sup>16</sup> The FWC stated that, as a result, the DFS may not approve future payments for food and food services for the FWC camps and programs.<sup>17</sup>

### III. Effect of Proposed Changes:

The bill authorizes the Fish and Wildlife Conservation Commission (FWC) to organize, staff, equip, and operate residential conservation programs to provide education and training about fish and wildlife conservation to the public, the FWC employees, and volunteers. The bill gives the FWC explicit authority to support its long history of providing these programs.

The bill authorizes the FWC to establish cooperative efforts with federal, state, and local entities; procure commodities and contractual services such as lodging and meal services; and hire and train appropriate personnel and volunteers.

The bill takes effect on July 1, 2019.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>11</sup> Section 379.354(8), F.S.

<sup>12</sup> Sections 379.211 and 379.352(13), F.S. FWC is required to use funds collected under the State Game Trust Fund as it deems fit to carry out the provisions governing it.

<sup>13</sup> Section 20.331(7)(d), F.S.

<sup>14</sup> Florida Fish and Wildlife Conservation Commission, *2019 Legislative Proposal, Clarification of Authority – Residential Conservation Programs* (Sept. 26, 2018), available at <https://myfwc.com/media/17523/7b-proposalanalysis-residentialconservationprograms.pdf> (last visited Feb. 26, 2019).

<sup>15</sup> *Id.*

<sup>16</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 320 Agency Legislative Bill Analysis* (Jan. 28, 2019) (on file with the Senate Committee on Environment and Natural Resources).

<sup>17</sup> *Id.*

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

The bill is consistent with Art. IV, s. 9 of the Florida Constitution, in that “the Legislature may enact laws in aid of the Commission.”

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The budget authority to operate residential conservation programs is currently funded within the FWCs base budget.<sup>18</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 379.107 of the Florida Statutes.

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<sup>18</sup> Florida Fish and Wildlife Conservation Commission, *Senate Bill 320 Agency Legislative Bill Analysis* (Jan. 28, 2019) (on file with the Senate Committee on Environment and Natural Resources).

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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