

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 Committee on Environment and Natural Resources

BILL: SB 524

INTRODUCER: Senator Hooper

SUBJECT: Fish and Wildlife Conservation Commission Trust Funds

DATE: January 29, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Anderson	Rogers	EN	Favorable
2.			AEG	
3.			AP	

I. Summary:

SB 524 revises several of the Fish and Wildlife Conservation Commission’s (FWC) trust funds to allow the agency to use trust fund revenues for administrative costs and to specifically authorize the investment of funds within the State Treasury. The bill provides explicit statutory authorization to codify FWC’s existing practices.

The following trust funds are amended to allow for the use of trust fund revenues for administrative costs:

- Florida Panther Research and Management Trust Fund;
- Save the Manatee Trust Fund; and
- Invasive Plant Control Trust Fund.

The following trust funds are amended to authorize the investment of funds into the State Treasury:

- Florida Panther Research and Management Trust Fund;
- Marine Resources Conservation Trust Fund;
- Nongame Wildlife Trust Fund;
- State Game Trust Fund;
- Save the Manatee Trust Fund; and
- Invasive Plant Control Trust Fund.

II. Present Situation:

Fish and Wildlife Conservation Commission (FWC)

FWC is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.¹ 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.² Under Article IV, Section 9 of the Florida Constitution, 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 Legislature may enact laws that aid FWC in its exercise of regulatory functions and executive powers in the areas of planning, budgeting, personnel management, and purchasing.³

FWC administers 13 trust funds that serve to support their mission. FWC currently invests proceeds and cash balances from the funds in accordance with ch. 215, F.S. According to its agency bill analysis, FWC has become aware that authorizing language is explicitly needed to continue that practice in certain trust funds.⁴ FWC stated in its agency bill analysis that it has made a commitment to the Department of Financial Services (DFS) to correct the deficiency with authorizing language in those trust funds to provide for the investment and reinvestment of proceeds.⁵

Additionally, trust funds have historically been used by FWC to contribute to the agency's administrative costs. According to its agency bill analysis, certain trust funds require modifying language to allow supporting revenues to be used for agency administrative costs.⁶

FWC indicated that it already has procedures in place for the investment of cash balances and the determination of the proportionate share of agency administrative costs.⁷

Trust Funds

Florida Panther Research and Management Trust Fund

The Florida Panther Research and Management Trust Fund may be used exclusively for the following purposes:

- Management and protection of existing Florida panther populations;
- Public education concerning the value of the panther and the necessity for panther management;
- Reestablishment of Florida panthers into areas of suitable habitat; and
- Promotion and marketing of the Florida panther license plate.⁸

¹ FLA. CONST. art. IV, s. 9.

² *Id.*; see also section 379.102(1), F.S.

³ FLA. CONST. art. IV, s. 9.

⁴ Fish and Wildlife Conservation Commission (FWC), *Agency Bill Analysis for SB 524* (Jan. 22, 2021)(on file with the Committee on Environment and Natural Resources).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Section 379.205, F.S.

Marine Resources Conservation Trust Fund

The Marine Resources Conservation Trust Fund is a depository for funds from various marine-related and boating-related activities and is allowed to be administered for the purposes of funding the following:

- Marine research;
- Fishery enhancement;
- Marine law enforcement;
- Administration of licensing programs for recreational fishing, saltwater products sales, and related information and education activities;
- Operations of FWC;
- Titling and registration of vessels;
- Marine turtle protection, research, and recovery activities from revenues that are specifically credited to the trust fund for these purposes;
- Rehabilitation of oyster harvesting areas from which special oyster surcharge fees are collected;
- Boating research, boating-related programs and activities, and law enforcement on state waters;
- The stone crab trap reduction program, the blue crab effort management program, the spiny lobster trap certificate program, and the trap retrieval program.⁹

Nongame Wildlife Trust Fund

The Nongame Wildlife Trust Fund is allowed to be used for the following purposes:

- Documentation of population trends of nongame wildlife and assessment of wildlife habitat;
- Establishment of effective conservation, management, and regulatory programs for nongame wildlife of the state; and
- Public education programs.¹⁰

State Game Trust Fund

The State Game Trust Fund comes from the administration of laws and regulations pertaining to birds, game, fur-bearing animals, freshwater fish, reptiles, and amphibians, and any other funds specifically provided for such purposes.¹¹ It is used for recreational boating activities and freshwater fisheries management and research, including funding local projects in counties where there are unmet needs for boating-related activities and where sufficient financial resources are unavailable.¹²

Save the Manatee Trust Fund

The Save the Manatee Trust Fund¹³ is used to fund:

- A scientific census study of the manatee population in the state, which is conducted annually by FWC and is used in the evaluation and development of manatee protection measures;

⁹ Section 379.208(1), F.S.

¹⁰ Section 379.209, F.S.

¹¹ Section 379.211, F.S.

¹² Section 206.606(1)(b), F.S.

¹³ Section 379.213, F.S.

- Annual funding of activities of FWC and public and private organizations intended to provide manatee and marine mammal protection and recovery efforts;
- Manufacture and erection of informational and regulatory signs;
- Production, publication, and distribution of educational materials;
- Participation in manatee and marine mammal research programs, including carcass salvage and other programs;
- Programs intended to assist the recovery of the manatee as an endangered species, assist the recovery of the endangered or threatened marine mammals, and prevent the endangerment of other species of marine mammals;
- Other similar programs intended to protect and enhance the recovery of the manatee and other species of marine mammals; and
- Promotion and marketing of the manatee license plate.¹⁴

Invasive Plant Control Trust Fund

The Invasive Plant Control Trust Fund¹⁵ is used for control, eradication, and regulation of aquatic weeds¹⁶ and nonnative, upland, invasive plant species on public lands,¹⁷ and research and planning related to these activities.

III. Effect of Proposed Changes:

Section 1 amends s. 379.205, F.S., to authorize the Fish and Wildlife Conservation Commission (FWC) to spend money from the interest derived from its investments and reinvestments in the Florida Panther Research and Management Trust Fund. The bill allows FWC to use revenues from the trust fund for FWC administrative costs, in addition to currently allowed purposes.

Section 2 amends s. 379.208, F.S., to authorize FWC to invest and reinvest the funds and interest derived from the Marine Resources Conservation Trust Fund.

Section 3 amends s. 379.209, F.S., to authorize FWC to invest and reinvest the funds and interest derived from the Nongame Wildlife Trust Fund.

Section 4 amends s. 379.211, F.S., to authorize FWC to use revenues from the interest derived from its investments and reinvestments in the State Game Trust Fund.

Section 5 amends s. 379.213, F.S., to authorize FWC to invest and reinvest the funds and interest derived from the Save the Manatee Trust Fund.

Section 6 amends s. 379.08058, F.S., to authorize FWC to use funds from the manatee license plate annual use fee, which are deposited into the Save the Manatee Trust Fund, for FWC administrative costs, in addition to currently allowed purposes.

¹⁴ Section 379.2431(4), F.S.

¹⁵ Section 379.214, F.S.

¹⁶ Sections 206.606(1)(a), 328.76(1), 369.20, and 369.22, F.S.

¹⁷ Section 369.252, F.S.

Section 7 amends s. 379.214, F.S., to authorize FWC to invest and reinvest the funds and interest derived from the Invasive Plant Control Trust Fund. The bill allows FWC to use revenues from the trust fund for FWC administrative costs, in addition to currently allowed purposes.

Section 8 provides that the bill will take effect on July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to FWC's agency bill analysis, the annual projected fiscal impact (based on the average interest earnings from the most recent three year period) to the funds that are being revised to authorize the investment of funds into the State Treasury is as follows:

- Florida Panther Research and Management Trust Fund: \$31,000
- Marine Resources Conservation Trust Fund: \$278,300
- Non-Game Wildlife Trust Fund: \$100,000
- State Game Trust Fund: \$331,250
- Save the Manatee Trust Fund: \$11,800

- Invasive Plant Control Trust Fund: \$137,800¹⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: ss. 379.205, 379.208, 379.209, 379.211, 379.213, 320.08058, 379.214.

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.

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

¹⁸ Fish and Wildlife Conservation Commission (FWC), *Agency Bill Analysis for SB 524* (Jan. 22, 2021)(on file with the Committee on Environment and Natural Resources).