

**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 Committee on Appropriations

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BILL: SB 524

INTRODUCER: Senator Hooper

SUBJECT: Fish and Wildlife Conservation Commission Trust Funds

DATE: March 17, 2021

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rogers</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>Reagan</u>	<u>Sadberry</u>	<u>AP</u>	<b>Pre-meeting</b>

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**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 codifies the 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.

The annual projected fiscal impact to the Florida Panther Research and Management Trust Fund is \$100,000 for administrative costs and the annual projected fiscal impact to the Save the Manatee Trust Fund is \$300,000 for administrative costs. These additional costs will offset the administrative costs of the other trust funds.

## II. Present Situation:

### **Fish and Wildlife Conservation Commission**

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 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>

The FWC administers 13 trust funds that serve to support their mission. The FWC currently invests proceeds and cash balances from the funds in accordance with ch. 215, F.S. The FWC has become aware that statutory language explicitly authorizing such practice in certain trust funds is necessary.<sup>4</sup> The FWC stated that it has made a commitment to the Department of Financial Services (DFS) to correct the deficiency with authorizing language in those trust funds which provides for the investment and reinvestment of proceeds.<sup>5</sup>

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

The 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.<sup>7</sup>

### **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.<sup>8</sup>

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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.

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

<sup>4</sup> 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).

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

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

<sup>7</sup> *Id.*

<sup>8</sup> 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 funding all of the following purposes:

- 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 the 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.<sup>9</sup>

### ***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.<sup>10</sup>

### ***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.<sup>11</sup> 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.<sup>12</sup>

### ***Save the Manatee Trust Fund***

The Save the Manatee Trust Fund<sup>13</sup> is used to fund all of the following purposes:

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

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<sup>9</sup> Section 379.208(1), F.S.

<sup>10</sup> Section 379.209, F.S.

<sup>11</sup> Section 379.211, F.S.

<sup>12</sup> Section 206.606(1)(b), F.S.

<sup>13</sup> Section 379.213, F.S.

- Annual funding of activities of the 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.
- Promotion and marketing of the manatee license plate.<sup>14</sup>

#### ***Invasive Plant Control Trust Fund***

The Invasive Plant Control Trust Fund<sup>15</sup> is used for control, eradication, and regulation of aquatic weeds<sup>16</sup> and nonnative, upland, invasive plant species on public lands,<sup>17</sup> and research and planning related to these activities.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 379.205, F.S., to authorize the 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 the FWC to use revenues from the trust fund for administrative costs, in addition to currently allowed purposes.

**Section 2** amends s. 379.208, F.S., to authorize the 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 the 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 the 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 the 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 the FWC to use funds from the manatee license plate annual use fee, which are deposited into the Save the Manatee Trust Fund, for administrative costs, in addition to currently allowed purposes.

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<sup>14</sup> Section 379.2431(4), F.S.

<sup>15</sup> Section 379.214, F.S.

<sup>16</sup> Sections 206.606(1)(a), 328.76(1), 369.20, and 369.22, F.S.

<sup>17</sup> Section 369.252, F.S.

**Section 7** amends s. 379.214, F.S., to authorize the FWC to invest and reinvest the funds and interest derived from the Invasive Plant Control Trust Fund. The bill allows the FWC to use revenues from the trust fund for 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 the FWC, the annual projected fiscal impact to the Florida Panther Research and Management Trust Fund is \$100,000 for administrative costs and the annual projected fiscal impact to the Save the Manatee Trust Fund is \$300,000 for administrative costs. These additional costs will offset the administrative costs of the other trust funds.<sup>18</sup>

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<sup>18</sup> 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).

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: \$137,800.<sup>19</sup>

The FWC currently invests these funds in the State Treasury, but does not have explicit authority to do so. If these changes are not enacted the DFS could prevent the FWC from investing these funds which would result in a loss of revenue.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

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

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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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<sup>19</sup> *Id.*