

**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 Committee on Agriculture, Environment, and General Government

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BILL: SB 388

INTRODUCER: Senator Rodriguez

SUBJECT: Trust Funds for Wildlife Management

DATE: March 17, 2025

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

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

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**I. Summary:**

SB 388 amends statutes that provide for four trust funds created within the Florida Fish and Wildlife Conservation Commission (FWC).

The bill allows the FWC to invest and reinvest the funds and the interest thereof of the Administrative Trust Fund. It also provides that any balance in the Administrative Trust Fund at the end of the fiscal year must remain in the trust fund and be available to carry out its purposes.

The bill authorizes funds in the Florida Panther Research and Management Trust Fund may be used for certain purposes and includes providing research and monitoring of feline diseases among other purposes. It also permits that funds used to reestablish Florida panthers may include acquiring lands for panther habitat.

The bill specifies that the Grants and Donations Trust Fund must be used for grant and donor agreement activities regardless of the source of funding for those activities.

The bill authorizes the FWC to use proceeds from the Nongame Wildlife Trust Fund for law enforcement purposes. It also allows the FWC to enter into cooperative agreements, voluntary agreements, or memoranda of understanding with related agencies and private landowners to coordinate nongame programs.

The bill has no fiscal impact on state resources or expenditures. **See Section V. Fiscal Impact Statement.**

The bill has an effective date of July 1, 2025.

## II. Present Situation:

### **Florida Fish and Wildlife Commission Trust Funds**

The FWC uses 13 trust funds to support its operations.<sup>1</sup> The FWC invests the proceeds and cash balances in the trust funds.<sup>2</sup>

#### ***The Administrative Trust Fund***

The Administrative Trust Fund is a depository for funds that are used for costs associated with the administrative functions of all of the program areas of the FWC.<sup>3</sup> The Administrative Trust Fund is largely funded by a cost allocation plan assessed against specific the FWC trust funds based on a formula that determines each fund's share of administrative costs.<sup>4</sup> Moneys that are credited to the Administrative Trust Fund include indirect cost reimbursements from grantors, administrative assessments against trust funds, interest earnings, and other appropriate administrative fees.<sup>5</sup>

#### ***The Florida Panther Research and Management Trust Fund***

The FWC uses funds from the Florida Panther Research and Management Trust Fund to:

- Manage and protect Florida panther populations by increasing panther food sources where food is a limiting factor, determining conflicts between public use and panther survival, maintaining sufficient panther genetic variability, and undertaking management and enforcement activities that protect panther habitat.
- Educate the public about the value of the Florida panther and the necessity of managing the species.
- Reestablish Florida panthers in areas of suitable habitat by assessing the necessity of a captive breeding program for purposes of panther reintroduction, selecting potential sites for reintroduction and investigating associated human sociological aspects, and assessing the potential for panther habitat acquisition.
- Fund the FWC's administrative costs and promote the Florida panther license plate.<sup>6</sup>

The annual fee for the Florida panther license plate is deposited into the Florida Panther Research and Management Trust Fund and used for education and programs that protect panthers.<sup>7</sup> Up to ten percent of the deposit can be used to promote the license plate.<sup>8</sup> The FWC may also receive donations for deposit into the trust fund.<sup>9</sup>

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<sup>1</sup> FWC, *Agency Analysis of SB 388*, 2 (Feb. 2025), on file with the Senate Committee on Environment and Natural Resources.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*; section 379.201(2), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 379.201(2), F.S.

<sup>6</sup> Section 379.205(2), F.S.

<sup>7</sup> Section 320.08058(5), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 379.205(3), F.S.

### ***The Grants and Donations Trust Fund***

The Grants and Donations Trust Fund is a depository for funds to be used for allowable grant and donor agreement activities funded by restricted contractual revenue.<sup>10</sup> Moneys to be credited to the trust fund include grants and donations from private and public nonfederal sources, development-of-regional-impact wildlife mitigation contributions, interest earnings, and cash advances from other trust funds.<sup>11</sup>

### ***The Nongame Wildlife Trust Fund***

The Nongame Wildlife Trust Fund is credited with funds collected from fees for the issuance of original certificates of title for vehicles previously registered out-of-state and from donations from applicants who are registering their motor vehicles.<sup>12</sup> Any additional funds may be provided by legislative appropriation and donations from interested individuals and organizations.<sup>13</sup> The FWC may invest and reinvest funds in the Nongame Wildlife Trust Fund and the interest thereof of the trust fund and must designate an identifiable unit to administer the trust fund.<sup>14</sup>

Proceeds from the trust fund must be used to:

- Document the population trends of nongame wildlife and assess wildlife habitat in coordination with the Florida Natural Areas Inventory database.
- Establish effective conservation, management, and regulatory programs for nongame wildlife.
- Provide for public education programs.<sup>15</sup>

The FWC is authorized to enter into cooperative agreements or memoranda of understanding with related agencies to coordinate nongame programs.<sup>16</sup>

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

**Section 1** amends the Administrative Trust Fund in s. 379.201, F.S. The bill authorizes the FWC to invest and reinvest the funds and the interest thereof of the Administrative Trust Fund.

The bill provides that, notwithstanding laws relating to undisbursed balances<sup>17</sup> and superseding default budget procedures,<sup>18</sup> any balance in the trust fund at the end of the fiscal year must remain in the trust fund and be available for carrying out the purposes of the trust fund.<sup>19</sup>

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<sup>10</sup> Section 379.206(2), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Section 379.209(2)(a), F.S.; *see* sections 319.32(3) and 320.10(8), F.S.

<sup>13</sup> Section 379.209(2)(a), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Section 379.209(2)(b), F.S.

<sup>16</sup> Section 379.209(3), F.S.

<sup>17</sup> *See* section 216.301, F.S.

<sup>18</sup> *See* section 216.351, F.S.

<sup>19</sup> This provision supersedes the default budget procedures in section 216.301, F.S. The default budget procedures for appropriations used only for operations require each department and the judicial branch to identify any incurred obligation which has not been disbursed. Any appropriation that is not an incurred obligation effective June 30<sup>th</sup> must revert to the fund from which it was appropriated and must be available for reappropriation by the Legislature. Section 216.301(1)(a), F.S.

**Section 2** amends the Florida Panther Research and Management Trust Fund in s. 379.205, F.S. In addition to the current purposes of the trust fund, the bill permits the FWC to spend money from the fund to manage and protect existing Florida panther populations by researching and monitoring feline diseases. It also permits the FWC to reestablish Florida panthers in areas with suitable habitat in part by acquiring land for panther habitat.

**Section 3** amends the Grants and Donations Trust Fund in s. 379.206, F.S. Current language provides that the trust fund is a depository for funds that will be used for allowable grant and donor agreement activities funded by restricted contractual revenue. The bill removes the language that requires the grant and donor agreement activities to be funded by restricted contractual revenue.

**Section 4** amends the Nongame Wildlife Trust Fund in s. 379.209, F.S. The bill removes the current requirement that the FWC must designate an identifiable unit to administer the trust fund.

In addition to the current purposes of the trust fund, the bill requires the proceeds from the trust fund may also be used for law enforcement purposes.

Current law authorizes the FWC to enter into cooperative agreements or memoranda of understanding with related agencies to coordinate nongame programs. The bill adds that the FWC may enter into voluntary agreements. It also allows the FWC to enter into cooperative agreements, voluntary agreements, or memoranda of understanding with private landowners.

**Section 5** provides an effective date of July 1, 2025.

#### **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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 379.201, 379.205, 379.206, and 379.209.

**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.