

HOUSE MESSAGE SUMMARY

BILL: CS/CS/SB 864, 2nd Eng. [S0864.HMS]
SPONSOR: Fiscal Policy Committee and Natural Resources Committee
SUBJECT: Fish and Wildlife Conservation Commission
PREPARED BY: Senate Committee on Natural Resources
DATE: April 28, 1999

I. Amendments Contained in Message

House Amendment 1 - 202315 (body with title)

II. Summary of Amendments Contained in Message

House Amendment 1 clarifies how several organizational changes will be made in transferring marine-related functions from the Department of Environmental Protection to the new Fish and Wildlife Conservation Commission (FWCC). Basically, DEP's Division of Marine Resources is transferred to the new commission except for their public health regulatory program for oysters and clams which is transferred to DACS. The Senate Bill did not transfer those functions to DACS. DEP will maintain a Division of Law Enforcement for patrol of state parks and to assure compliance with laws and rules of DEP. The traditional functions of the Florida Marine Patrol, including boating safety functions are transferred to the Fish and Wildlife Conservation Commission.

This amendment requires the Fish and Wildlife Conservation Commission to provide a report to the President of the Senate and the Speaker of the House of Representatives by December 1, 1999, on the implementation of adequate due process procedures for rulemaking related to the FWCC's performance of constitutional and statutory duties. It also provides that comments submitted by the FWCC to a permitting agency be received within a specified time and be based on credible, factual scientific data. It further provides that the FWCC's comments are not binding on the permitting agency and the FWCC must bear only the actual cost of defending the validity of its scientific data when named as a party in any action. This amendment places a limitation on expenditures on the total amount of operating funds available to the FWCC during fiscal year 2000-2001 to 95% of the preceding fiscal year. The amendment also enumerates specific statutory duties of the FWCC that must have rules adopted pursuant to chapter 120. These features were not in the Senate Bill.

Statutory provision is made for the FWCC to have full constitutional rulemaking authority over marine life and listed species as defined in s. 372.072(3), except for:

- (a) Endangered or threatened marine species for which rulemaking shall be done pursuant to chapter 120.
- (b) The authority to regulate fishing gear in residential, manmade saltwater canals which is retained by the Legislature and specifically not delegated to the commission.

- (c) Marine aquaculture products produced by an individual certified under s. 597.004. This exception does not apply to snook, prohibited and restricted marine species identified by rule of the commission, and rulemaking authority granted pursuant to s. 370.027(4).

These features are not in the Senate Bill.

The amendment clarifies the membership on a transition team to include DACS to resolve issues relating to use of facilities and equipment and to determine appropriate general administrative personnel to be moved from DEP to the FWCC.

The amendment clarifies that employees transferred between agencies will retain accrued annual leave, sick leave, and compensatory leave. This feature was not in the Senate Bill.

Authorization is provided for the Secretary of the Department of Environmental Protection to restructure and reorganize the department to increase efficiency notwithstanding the provisions in s. 20.255(2). This feature was not in the Senate Bill.

The amendment also makes numerous technical and conforming changes to various statutes to reflect the elimination of the Game and Fresh Water Fish Commission and the Marine Fisheries Commission on July 1, 1999.