

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 186

SPONSOR: Natural Resources Committee

SUBJECT: Environmental Reorganization

DATE: March 8, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Gee	Voigt	NR	Favorable/CS
2.	_____	_____	FP	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Chapter 99-353, Laws of Florida, was enacted to address the details of implementing Revision 5 to the Florida Constitution relating to the creation of the Fish and Wildlife Conservation Commission (FWCC). The new law provides for a massive reorganization and transfer of marine-related functions and marine law enforcement functions from the Department of Environmental Protection (DEP) to the new FWCC.

Numerous sections of the Florida Statutes had to be amended to conform with the creation of the new FWCC and the abolishment of the Game and Fresh Water Fish Commission and the Marine Fisheries Commission. During the 1999 Legislative Session not all sections of law that needed to be conformed were changed. This bill provides conforming changes to several additional statutes.

This bill also deletes obsolete provisions relating to the executive director of the FWCC and revises provisions relating to lifetime saltwater fishing licenses.

This bill amends ss. 20.331, 161.031, 161.36, 259.101, 270.22, 288.109, 327.04, 327.41, 327.54, 328.72, 370.021, 370.07, 370.101, 370.11, 370.1107, 370.13, 370.1405, 370.16, 370.25, 372.021, 372.05, 372.07, 372.105, 372.121, 372.991, 373.4149, 373.41492, 403.141, 570.235, 590.02, 705.101, 705.103, and 832.06 F.S.; renumbers ss. 370.0205 and 370.041, and repeals subsection 6 of s. 370.021, subsection (12) of s. 370.14, and ss. 370.013, 370.017, 370.032, 370.033, 370.034, 370.036, 370.037, 370.038, 370.0606, 370.0615, 370.0805, 372.04, 372.061, 373.197, and 403.261, F.S.

II. Present Situation:

In the general election on November 3, 1998, Florida voters approved Revision 5 to the State Constitution, which among other things created the FWCC effective July 1, 1999. The revision also abolished the Game and Fresh Water Fish Commission and the Marine Fisheries Commission.

During the 1999 Legislative Session, SB 864 (ch. 99-353, Laws of Florida) was enacted to address the details of implementing Revision 5 relating to the FWCC. The legislation provided for a massive reorganization and transfer of marine-related regulatory functions and marine law enforcement functions from the DEP to the new FWCC. The transfer of functions from the Game and Fresh Water Fish Commission to the new agency along with the marine functions from the DEP resulted in an agency with approximately 1,750 employees and an operating budget of about \$150 million.

With the abolishment of the former Game and Fresh Water Fish Commission and the Marine Fisheries Commission numerous sections of the Florida Statutes had to be amended to conform with the creation of the new FWCC. Over 200 sections of the Florida Statutes were identified for conforming amendments.

Over the duration of the 1999 Legislative Session the legislative proposals that emerged in the Senate and in the House of Representatives evolved with differences that had to be resolved to assure passage of legislation by each House. In that process of reconciling proposals between the two Houses, some of the sections of the Florida Statutes that had been proposed with conforming amendments were excluded from the final actions taken by the House of Representatives on SB 864 before it was finally approved.

The Senate Natural Resources Committee was assigned an interim project to review and develop appropriate legislation to address the remaining sections of the Florida Statutes that need to be conformed with the creation of the FWCC.

Staff's review also revealed apparently outdated provisions related to the residency and travel requirements of the FWCC's executive director.

III. Effect of Proposed Changes:

Section 1 amends s. 20.255, F.S., to change the number of deputy secretaries for the DEP from two to three, provide for the offices of Chief of Staff, External Affairs, and Legislative and Government Affairs, and delete the offices of Communication, Water Policy, Ecosystem Planning and Coordination, and Environmental Education. In addition, the Division of Administrative and Technical Services is retitled as the Division of Administrative Services and obsolete provisions relating to the merger of the former Departments of Natural Resources and Environmental Regulation to create the Department of Environmental Protection are deleted.

Section 2 transfers and renumbers s. 370.0205, F.S., as s. 20.2551, F.S., to appropriately place within the Florida Statutes the DEP's authorization to create citizen support organizations.

Section 3 amends s. 20.331, F.S., to clarify that the FWCC will follow ch. 120, F.S., provisions when promulgating rules in the performance of its statutory duties or responsibilities.

Section 4 amends s. 161.031, F.S., to conform with the deletion of the Division of Marine Resources from the DEP.

Section 5 amends s. 161.36, F.S., to conform with deletion of the Division of Marine Resources from the DEP.

Section 6 amends s. 259.101, F.S., to conform with the creation of the FWCC and clarify that the FWCC will receive 2.9 percent of the Preservation 2000 bond proceeds.

Section 7 amends s. 270.22, F.S., to provide that rental fees from aquaculture leases shall be deposited into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services, rather than the Marine Resources Conservation Trust Fund.

Section 8 amends s. 288.109, F.S., to conform with the creation of the FWCC and clarifying that the FWCC is integrated into the One-Stop Permitting System.

Section 9 amends s. 327.04, F.S., to clarify that the FWCC has authority to adopt rules relating to its duties for vessel registration and safety.

Section 10 amends s. 327.41, F.S., to place responsibilities for regulating the placement of markers in waterways in the FWCC.

Section 11 amends s. 327.54, F.S., to clarify that the FWCC will establish safety standards for handling personal watercraft.

Section 12 amends s. 328.72, F.S., to clarify that the FWCC will determine the number of noncommercial vessels registered in each county annually.

Section 13 amends s. 370.021, F.S., to clarify that penalties will be imposed for any violation of ch. 370, F.S., or rule of the FWCC relating to the conservation of marine resources.

Section 14 transfers and renumbers s. 370.041, F.S., as s. 161.242, F.S.

Section 15 amends s. 370.07, F.S., to place responsibilities for issuance of wholesale and retail saltwater products licenses in the FWCC. Conforming changes are made to recognize that the Department of Agriculture and Consumer Services has responsibilities for oyster harvesting and will receive revenue from surcharges on oyster licenses into their General Inspection Trust Fund. Provisions are deleted which are outdated that relate to emergency rulemaking by the Department of Revenue for the Apalachee Oyster License Surcharge.

Section 16 amends s. 370.101, F.S., to conform with the deletion of the Division of Marine Resources from the DEP.

Section 17 amends s. 370.11, F.S., to clarify that the FWCC may issue permits for taking tarpon for scientific purposes.

Section 18 amends s. 370.1107, F.S., to conform with the authority of the FWCC to license saltwater fisheries traps.

Section 19 amends s. 370.13, F.S., to provide that the FWCC, rather than the DEP, will revoke the stone crab permit of a violator of s. 370.13(1)(a), F.S., and clarify that the FWCC will deactivate the stone crab trap number if the holder fails to timely request renewal of the number.

Section 20 amends s. 370.1405, F.S., to reflect that regulation of the crawfish fishery, including regulation of crawfish dealers, together with the imposition of penalties for untimely reporting of sales, is the responsibility of the FWCC.

Section 21 amends s. 370.16, F.S., to provide that surcharges on oyster aquaculture leases will be deposited into the Board of Trustees of the Internal Improvement Trust Fund, rather than the Marine Resources Conservation Trust Fund, and used for specified purposes. Other changes conform with the deletion of the Division of Marine Resources from the DEP.

Section 22 amends s. 370.25, F.S., to place responsibilities for the artificial fishing reef program to enhance saltwater fishing opportunities in the FWCC. In addition, a provision conferring joint responsibility on the captain or operator of a vessel and the vessel's registered owner for violations of s. 370.25(6), F.S., while the vessel is underway is amended to exempt the owner from responsibility.

Section 23 amends s. 372.021, F.S., to provide that the FWCC may exercise both its constitutional and statutory powers.

Section 24 amends s. 372.05, F.S., to clarify that the FWCC is headed by an executive director and to delete a requirement that the executive director visit every county in the state at least once annually.

Section 25 amends s. 372.07, F.S., to provide that the executive director of the FWCC and any designated assistants are peace officers having authority to enforce laws relating to marine life.

Section 26 amends s. 372.105, F.S., to provide that all proceeds of the lifetime resident saltwater fishing license fees are to be deposited into the Lifetime Fish and Wildlife Trust Fund.

Section 27 amends s. 372.121, F.S., to exempt rules and regulations relating to marine life from a requirement that the FWCC obtain the consent of the owner or custodian of lands and waters to be affected by proposed rules or regulations prior to adoption.

Section 28 amends s. 372.991, F.S., to clarify that the FWCC collects license fees for the consumptive uses of wildlife.

Section 29 amends s. 373.4149, F.S., to clarify that the FWCC executive director is a member of the Miami-Dade County Lake Belt Plan Implementation Committee and may enter into agreements to effectuate the plan.

Section 30 amends s. 373.41492, F.S., to clarify that the FWCC is a member of an interagency committee authorized to approve expenditures for the Lake Belt Mitigation Plan.

Section 31 amends s. 403.141, F.S., to clarify that the FWCC coordinates with the DEP in creating tables of value to be used in assessing damages for fish kills.

Section 32 amends s. 403.707, F.S., to correct a cross-reference.

Section 33 amends s. 570.235, F.S., to clarify that the FWCC is represented on the Pest Exclusion Advisory Committee.

Section 34 amends s. 590.02, F.S., to clarify that the executive director of the FWCC is a member of an advisory committee charged with reviewing the program curriculum, course content, and scheduling of the Florida Center for Wildfire and Forest Resources Management Training Program.

Section 35 amends s. 597.004, F.S., to conform with changes made during the 1999 Legislative Session that placed the regulation of aquaculture shellfish in the Department of Agriculture and Consumer Services.

Sections 36 and 37 amend ss. 705.101 and 705.103, F.S., to conform requirements and procedures for abandoned property involving vessels with responsibilities now located in the FWCC.

Section 38 amends s. 832.06, F.S., to provide that the FWCC must return to the county tax collector, upon request, license fees paid to a tax collector by a worthless check.

Section 39 repeals several sections of the Florida Statutes to conform with laws passed in 1999 creating the FWCC. Specifically repealed are s. 370.013, F.S., relating to the general function of the DEP, s. 370.017, F.S., relating to the responsibilities of the secretary of the DEP; ss. 370.032-370.038, F.S., relating to certificates, records, and rules regarding dredge and fill equipment and activities; s. 370.0606, F.S.; relating to the appointment of subagents for the sale of saltwater fishing licenses and permits; s. 370.0615, F.S., relating to lifetime resident saltwater fishing licenses; s. 370.0805, F.S.; relating to the net ban assistance program; s. 372.04, F.S.; relating to the appointment of the director of the FWCC; s. 372.061, F.S., relating to meetings of the Game and Fresh Water Fish Commission; s. 373.197, F.S., relating to the outdated Kissimmee River Valley and Taylor Creek-Nubbins Slough Basin Restoration Project (circa 1975); s. 403.261, F.S., relating to potential rulemaking authority relating to air and water pollution of several outdated agencies (circa 1967) including the Game and Fresh Water Fish Commission; subsection (6) of s. 370.021, F.S., relating to admissibility of rules; and subsection (12) of s. 370.14, relating to the naming of the 2-day sport season for spiny lobsters.

Section 40 provides that the act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The exemption of the nonoperating registered owner of a vessel from responsibility for moving violations relating to the artificial reef program could result in the avoidance of penalties for such persons.

C. Government Sector Impact:

Currently, pursuant to s. 370.0615(9), F.S., all fees for lifetime saltwater licenses and 30 percent of the fees for lifetime sportsman's licenses are deposited into the Marine Resources Conservation Trust Fund and used for such activities as boating safety and marine law enforcement, marine research and fishery enhancement, licensing, vessel titling and registration, marine turtle and marine mammal protection, oyster harvesting enhancements, and the administration of the FWCC. By changing the repository of all lifetime license fees to the Lifetime Fish and Wildlife Trust Fund, this bill will allow more flexibility for funding the broad responsibilities of the FWCC while assuring that no expenditures shall be made from the principal of the trust fund. The FWCC reports that approximately \$125,000 was deposited into the Marine Resources Conservation Trust Fund in FY 1998-1999.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
