

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 General Government Appropriations Committee

BILL: CS/CS/SB 1286

INTRODUCER: General Government Appropriations Committee, Environmental Preservation and Conservation Committee, and Senator Saunders

SUBJECT: Fish and Wildlife Conservation Commission

DATE: April 2, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bascom	Kiger	EP	Fav/CS
2.	McKay	Wilson	GO	Favorable
3.	DeLoach	DeLoach	GA	Fav/CS
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|--|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="checked" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The Florida Government Accountability Act requires a review of the Fish and Wildlife Conservation Commission (commission) and its advisory committees by July 1, 2008, to determine if it and its committees should be retained, modified, or abolished. The bill reenacts the statutory provisions relating to the establishment of the commission and makes statutory changes recommended in the agency sunset review report.

The bill creates a new definition for a non-motor-powered vessel and increases vessel registration fees for vessels that require registration. The bill exempts non-powered sailing vessels owned by a nonprofit entity used exclusively for specific purposes. The bill provides that vessel registration fees and hunting and fishing license fees shall be adjusted by the percentage change in the Consumer Price Index (CPI) every five years, unless proscribed by general law. The estimated revenue increase from the vessel registration fee is \$10.2 million.

The bill repeals the Federal Law Enforcement Trust Fund, the Waterfowl Advisory Council, the Florida Panther Technical Advisory Council, and the Nongame Wildlife Advisory Council.

Finally, the bill directs both the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the commission to conduct reviews of specific programs, to determine if cost-saving benefits or gains in efficiency can be realized by outsourcing, restructuring, or downsizing certain activities.

The bill amends the following sections of the Florida Statutes: 328.48, 328.56, 328.72, and 372.57.

The bill repeals the following sections of the Florida Statutes: 372.107, 372.5714, 372.673, and 372.992.

II. Present Situation:

Under the Florida Government Accountability Act (ss. 11.901-11.920, F.S.), most state agencies and their respective advisory committees are subject to a “sunset” review process to determine whether the agency should be retained, modified, or abolished. The act requires a review of Fish and Wildlife Conservation Commission and its advisory committees by July 1, 2008.

The commission was created in 1999 by Constitutional Amendment Five and is a combination of the former Game and Freshwater Fish Commission, Marine Fisheries Commission, and elements of the Florida Department of Environmental Protection.¹ Under the state constitution, the Legislature may pass laws in aid of the commission in the areas of planning, budget, personnel management, and purchasing.²

The commission is responsible for regulating, managing, and protecting the state’s fish and wildlife resources. The commission is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate to five-year terms. The Commission’s lead mission is to manage the fish and wildlife resources for their long-term well-being and for the benefit of the people. The agency’s objectives are to provide for an increasing or stable fish and wildlife population and to increase the number of customers and continue to provide customer satisfaction.

The Senate Environmental Preservation and Conservation Committee (committee) is the primary sunset review committee for the Fish and Wildlife Conservation Commission. As a result of its review, the committee issued the Agency Sunset Review of the Florida Fish and Wildlife Conservation Commission Interim Report 2008-211.

In its review, the committee found that many of the commission’s programs cannot be provided more efficiently by another agency. Often, many of the programs rely on federal matching grants and several have been delegated to the state to administer on behalf of the federal government. However, the commission has become increasingly reliant on general revenue subsidies in order to meet its constitutional and statutory duties. Of the agency’s overall budget of approximately

¹ Chapter 99-245, Laws of Florida.

² Legislative authority provided in Article IV, Section 9, Florida Constitution. In 2004, SB 2820 reorganized the structure of the commission under s. 20.331, F.S.

\$276 million, \$51.9 million, or 24 percent, comes from general revenue.³ The committee, therefore, recommended that the commission be retained along with its various programs, advisory councils, and committees, with certain modifications.

III. Effect of Proposed Changes:

Section 1 provides that s. 20.331, F.S., relating to the establishment of the commission, is reenacted.

Section 2 redefines the term “non-motor-powered vessel.” The commission indicates that 1,504 active derelict vessels are in their database, and approximately 1,400 (97%) of the total are vessels that are non-motor-powered and exempt from registration.

Section 3 makes a definition change to conform to the changes made in Section 2 of the bill.

Section 4 provides an increase to vessel registration fees, based on the Consumer Price Index (CPI) increase from 1992, when the fees were last increased, to 2008, as follows.

- Class A-1 vessels (less than 12 feet in length and motorized canoes) will increase from \$3.50 to \$5.50 annually.
- Class A-2 vessels (12 to 16 feet in length) will increase from \$10.50 to \$16.25 annually.
- Class 1 vessels (16 to 26 feet in length) will increase from \$18.50 to \$28.75 annually.
- Class 2 vessels (26 to 40 feet in length) will increase from \$50.50 to \$78.25 annually.
- Class 3 vessels (40 to 65 feet in length) will increase from \$82.50 to \$127.75 annually.
- Class 4 vessels (65 to 110 feet in length) will increase from \$98.50 to \$152.75 annually.
- Class 5 vessels (110 feet or more in length) will increase from \$122.50 to \$189.75 annually.
- Dealer registration certificates will increase from \$16.50 to \$25.50 annually.

Additionally, a CPI adjustment will apply to vessel registration fees every five years, unless otherwise proscribed by general law. Each year the adjustments are scheduled to go into effect, the commission is required to provide a report to the Legislature detailing how such increases will be utilized within the agency. A non-motor-powered sailing vessel that is owned by a nonprofit entity for teaching boating safety and handling or seamanship skills is exempt from the vessel registration fee.

Section 5 provides for a CPI adjustment to recreational hunting and fishing licenses every five years, unless otherwise proscribed by general law. Each year the adjustments are scheduled to go into effect, the commission is required to provide a report to the Legislature detailing how such increases will be utilized within the agency.

Section 6 directs the OPPAGA to conduct a review of the commission’s Office of Executive Direction and Administrative Services public relations and outreach staffing levels, to determine if they are appropriate to an agency of similar composition and size. The OPPAGA must submit

³ Fiscal year 2007 – 2008 data provided by the Committee on General Government Appropriations for interim report number 2008 – 211.

a report to the Legislature with findings and recommendations that identify potential cost-saving benefits or efficiency gains by January 1, 2009.

Section 7 directs the OPPAGA to conduct a review of the educational programs of the Divisions of Freshwater Fisheries and Marine Fisheries Management within the commission, to determine if any duplication of efforts exist among the divisions and other state agencies or if efficiencies may be gained by restructuring or combining programs. The OPPAGA must submit a report to the Legislature with findings and recommendations that identify cost-saving benefits or efficiency gains by January 1, 2009.

Section 8 directs the commission to complete the Division of Law Enforcement's five-year "Air Station" conceptual plan, designed to improve aircraft operations and maintenance, to determine if additional efficiencies may be gained. The commission shall submit its findings and recommendations to the Legislature by January 1, 2009.

Section 9 directs the commission to conduct a review of its land management activities to determine if cost-saving benefits or efficiency gains may be achieved by combining or outsourcing such activities. The commission shall submit a report detailing its findings and recommendation to the Legislature by January 1, 2009.

Section 10 directs the commission to conduct a cost-benefit analysis of the Fish and Wildlife Research Institute activities, to determine if cost-saving benefits or efficiency gains may be achieved by outsourcing select activities. The commission shall submit a report detailing its findings and recommendations to the Legislature by January 1, 2009.

Section 11 repeals the following sections of Florida Statute.

- Section 372.107, F.S. – Federal Law Enforcement Trust Fund.
- Section 372.5714, F.S. – Waterfowl Advisory Council.
- Section 372.673, F.S. – Florida Panther Technical Advisory Council.
- Section 372.992, F.S. – Nongame Wildlife Advisory Council.

Section 12 provides that the bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

Vessel registration fees and recreational hunting and fishing license fees could increase or decrease every five years based on a change to the CPI.

B. Private Sector Impact:

Boat owners who are required to register their boats would encounter an initial increase in vessel registration fees of approximately 55 percent. Registration fees would likely increase every five years based on the CPI at that time. Additionally, resident and non-resident annual recreational hunting and fishing licenses would increase based on the same CPI every five years.

For non-motorized vessels 16 feet or more in length, the FWC estimates that an additional 30,024 vessels will be subject to registration based on data from several states with similar registration requirements. The average fee the boat owners will be assessed is \$24.50 which will generate approximately \$700,000 in revenue.

C. Government Sector Impact:

For the increase in the vessel registration fees, the total estimated revenue is \$10.8 million, with an estimated general revenue surcharge of \$742,000. The FWC allocation of the increase is estimated to be \$9.8 million, and the Department of Environmental Protection and Department of Agriculture and Consumer Services' revenues are estimated to increase by approximately \$161,000. This increase in revenue could reduce the commission's reliance on general revenue.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by General Government Appropriations on April 2, 2008:**

This committee substitute provides that non-motor-powered sailing vessels owned by a nonprofit entity for teaching boating safety and handling or seamanship skills is exempt from the vessel registration fee.

CS by Environmental Preservation and Conservation on March 13, 2008:

The committee substitute:

- Redefines the term “non-motor-powered vessel” and increases vessel registration fees for all vessels that require registration.
- Provides that vessel registration fees and hunting and fishing license fees shall be adjusted by the percentage change in the Consumer Price Index every five years, unless proscribed by general law.
- Directs the Office of Program Policy Analysis and Government Accountability and the Fish and Wildlife Conservation Commission to conduct reviews of certain activities within the agency to determine if cost-saving benefits or gains in efficiency can be achieved.
- Deletes an obsolete statute pertaining to the Federal Law Enforcement Trust Fund as well as several dormant advisory councils.

B. Amendments:

None.