

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 377 Residential Conservation Programs

**SPONSOR(S):** Stone

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 320

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	10 Y, 0 N	Melkun	Shugar
2) Agriculture & Natural Resources Appropriations Subcommittee	8 Y, 0 N	White	Pigott
3) State Affairs Committee			

### SUMMARY ANALYSIS

The Florida Fish and Wildlife Conservation Commission (FWC) coordinates and runs residential conservation programs throughout the state, many as summer camps. These residential programs vary in the activities they offer, but the theme of conservation-centered recreation is consistent throughout the programs. Some of these camps, like the Ocala Outdoor Adventure Camp and the Everglades Youth Conservation Camp, have been in operation for decades. FWC also provides a variety of other programs focused on wildlife and conservation education, including Project Wild, the Junior Birder Program, Becoming an Outdoors-Woman workshops, and the Youth Hunting Program of Florida. It is estimated that since the 1950s, both FWC and its predecessor, the Game and Fresh Water Fish Commission, have hosted in excess of 50,000 residential summer campers.

The Department of Financial Services (DFS) recently denied payment for catering services used to support the Becoming an Outdoors-Woman program. During a discussion regarding the program, DFS raised concerns regarding FWC's residential youth camps, including the Everglades Youth Conservation Camp and the Ocala Conservation Center. The interpretation by DFS is that FWC lacks clear statutory authority to organize, staff, equip, operate, and provide meals and meal services for all residential education. As a result, DFS has indicated future payments for food and food services for these camps and programs may not be approved.

The bill creates s. 379.107, F.S., authorizing FWC to organize and operate residential programs to provide fish and wildlife conservation education and training programs to the public, FWC employees, and volunteers.

The bill allows FWC to cooperate with federal, state, and local entities; procure commodities and contractual services, including travel, lodging, and meal services; and hire and train staff and volunteers to implement the programs.

This bill does not have a fiscal impact on state government expenditures, as FWC already uses existing funding sources to support the residential programs.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Background

It is estimated that since the 1950s, both the FWC and its predecessor, the Game and Fresh Water Fish Commission, have hosted in excess of 50,000 resident summer campers.<sup>1</sup> In 2010, the Florida Fish and Wildlife Conservation Commission (FWC) introduced a public-private partnership initiative called the Florida Youth Conservation Centers Network (FYCCN). This statewide network provides opportunities for youth and their families to participate in traditional outdoor activities and safely share experiences that promote stewardship for fish and wildlife conservation. With the help of the Fish and Wildlife Foundation of Florida, FYCCN has worked with over 340 partners to create and implement programs and activities to further their mission.<sup>2</sup> FYCCN staff are located around the state and assist FYCCN's partners in expanding youth outdoor recreation and conservation education programming. From coordinating trainings to delivering equipment, staff act as the direct connection to the FWC.<sup>3</sup>

As part of FWC, FYCCN helps the agency coordinate and run several day and overnight residential programs throughout the state, many as summer camps. These residential programs vary in the activities they offer, but the theme of conservation-centered recreation is consistent throughout the programs. Some of these camps, like the Ocala Outdoor Adventure Camp and the Everglades Youth Conservation Camp, have been in operation for decades.<sup>4</sup> FWC also provides a variety of other programs, including Project Wild,<sup>5</sup> the Junior Birder Program,<sup>6</sup> Becoming an Outdoors-Woman workshops,<sup>7</sup> and the Youth Hunting Program of Florida.<sup>8</sup>

The Legislature has also historically funded these residential programs. FWC has \$960,255 appropriated in its recurring base budget for youth hunting and fishing programs. Over the last five years, the Legislature has appropriated approximately \$2.1 million in Fixed Capital Outlay (FCO) for the Everglades Youth Conservation Camp, and \$750,000 in FCO for the Ocala Conservation Center.<sup>9</sup>

##### Current Issue

Article IV, section 9 of the Florida Constitution, authorizes FWC to exercise executive powers of the State with respect to wild animal life, fresh water aquatic life, and marine life. The FWC's exercise of

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<sup>1</sup> Email from Lance Watson, Deputy Legislative Affairs Director, FWC, Re: requested info on residential programs (Feb. 5, 2019).

<sup>2</sup> FYCCN, *About Us*, available at <http://fyccn.org/About%20Us> (last visited Feb. 7, 2019).

<sup>3</sup> FYCCN, *Statewide Staff*, available at <http://fyccn.org/Statewide%20Staff> (last visited Feb. 7, 2019).

<sup>4</sup> FYCCN, *FWC Summer Camps*, available at [http://fyccn.org/FWC\\_Summer\\_Camps](http://fyccn.org/FWC_Summer_Camps) (last visited Feb. 7, 2019).

<sup>5</sup> Project WILD is a conservation and environmental education program emphasizing wildlife and is designed for educators of kindergarten through 12th grade students. Project WILD provides hands-on activities that enhance student learning in all subject and skill areas; FWC, *Project WILD*, available at <https://myfwc.com/education/educators/project-wild/> (last visited Feb. 7, 2019).

<sup>6</sup> The Junior Birder program was developed to help teachers introduce younger students (3<sup>rd</sup> to 4<sup>th</sup> grade) to bird watching. The program provides the links to printable guides for students and the ability to order certificates acknowledging completion of the program from FWC; FWC, *Junior Birder Program*, available at <http://floridabirdingtrail.com/junior-birder-program/> (last visited Feb. 7, 2019).

<sup>7</sup> Becoming an Outdoors-Woman (BOW) is a non-profit, nonmembership program that teaches hands-on, outdoor skills to adult women. BOW workshops are designed especially for women who are beginners and offer a variety of topics including hunting/shooting, fishing and non-consumptive (kayaking, camping, etc.) activities; FWC, *Becoming an Outdoors-Woman Workshop*, available at <https://myfwc.com/media/6336/bow-brochure.pdf> (last visited Feb. 7, 2019).

<sup>8</sup> The Youth Hunting Program of Florida introduces young people to hunting and conservation by providing safe, educational, mentored youth hunts. The FWC and its partners offer hunts for deer, turkey, hogs, waterfowl, dove, and small game for youth accompanied by a parent or guardian; FWC, *Youth Hunting Program of Florida*, available at <https://myfwc.com/education/outdoor-skills/youth-hunting-program/> (last visited Feb. 7, 2019).

<sup>9</sup> *Id.*

executive powers in the area of planning, budgeting, personnel management, and purchasing must be provided by law, and revenue derived from license fees for the taking of wild animal life and fresh water aquatic life must be appropriated to FWC by the Legislature for the purposes of management, protection, and conservation of wild animal life and fresh water aquatic life. Additionally, the Legislature may enact laws in aid of FWC, as long as they are not inconsistent with Article IV, Section 9 of the Florida Constitution.<sup>10</sup>

FWC has interpreted a number of statutes to provide the agency with the authority to operate residential programs. Section 379.354(8), F.S., authorizes the Commission to use up to 10 percent of the proceeds from the hunting and sport fishing permits to “promote hunting and sport fishing activities with an emphasis on youth participation.” Additionally, s. 379.352(13), F.S., authorizes the collection of donations, when selling a recreational license or permit, pursuant to s. 379.354, F.S., and requires those donations to be deposited into the State Game Trust Fund “to be used solely for the purpose of enhancing youth hunting and youth freshwater and saltwater fishing programs.”

Recently, the Department of Financial Services (DFS) denied payment for catering services used to support the Becoming an Outdoors-Woman program. During discussion regarding the program, DFS raised concerns regarding FWC’s residential youth camps, including the Everglades Youth Conservation Camp and the Ocala Conservation Center. The interpretation by DFS is that FWC lacks clear statutory authority to organize, staff, equip, operate, and provide meals and meal services for all residential education. As a result, DFS has indicated future payments for food and food services for these camps and programs may not be approved.<sup>11</sup>

### **Proposed Changes**

The bill creates s. 379.107, F.S., authorizing FWC to organize and operate residential programs to provide fish and wildlife conservation education and training programs to the public, FWC employees, and volunteers.

The bill allows FWC to cooperate with federal, state, and local entities; procure commodities and contractual services, including travel, lodging, and meal services; and hire and train staff and volunteers to implement the programs.

The bill provides an effective date of July 1, 2019.

#### **B. SECTION DIRECTORY:**

Section 1. Creates s. 379.107, F.S. authorizing FWC to organize and operate residential programs.

Section 2. Provides an effective date of July 1, 2019.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

This bill does not have a fiscal impact on state government expenditures, as FWC already uses existing funding sources to support the residential programs.

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<sup>10</sup> Art. IV, s. 9, Fla. Const.

<sup>11</sup> Email from Lance Watson, Deputy Legislative Affairs Director, FWC, Re: requested info on residential programs (Feb. 5, 2019).

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.