



# The Florida Senate

*Interim Project Report 2000-64*

*September 1999*

Committee on Natural Resources

Senator Charlie Bronson, Chairman

## CONFORMING STATUTORY PROVISIONS WITH CREATION OF THE FISH AND WILDLIFE CONSERVATION COMMISSION

### 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. 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 to the new Fish and Wildlife Conservation Commission.

Numerous sections of the Florida Statutes had to be amended to conform with the creation of the new Fish and Wildlife Conservation Commission 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. Legislation is needed for the 2000 Legislative Session to address the remaining changes needed in the Florida Statutes to provide conformity with the creation of the Fish and Wildlife Conservation Commission.

from the Game and Fresh Water Fish Commission to the new agency along with the marine functions from the Department of Environmental Protection 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 Fish and Wildlife Conservation Commission. 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.

### BACKGROUND

In the general election on November 3, 1998, Florida voters approved Revision 5 to the State Constitution, which among other things created the Fish and Wildlife Conservation Commission 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 Fish and Wildlife Conservation Commission. The legislation provided for a massive reorganization and transfer of marine-related regulatory functions and marine law enforcement functions from the Department of Environmental Protection to the new Fish and Wildlife Conservation Commission. The transfer of functions

Among the sections of law that need to be amended to conform with the creation of the new Fish and Wildlife Conservation Commission that were included in SB 864 but were deleted by amendment in the House of Representatives are:

- C s. 370.16(4), F.S. - subsection relating to shellfish leases
- C s. 370.16(19), F.S. - subsection relating to deposition of shellfish lease rental fees
- C s. 327.41(4), F.S. - subsection in section 25 of the CS/CS/SB 864, but reference to "Division of Marine Resources" not changed to commission

- C s. 370.06(4)& (5), F.S. - although subsection (4) was addressed in the aquaculture bill, these two subsections still need to be amended
- C s. 597.004(5)(b), F.S. - relating to sale of aquaculture products
- C s. 161.031, F.S. - relating to personnel and facilities of DEP
- C s. 161.36, F.S. - relating to DEP and beach and shore preservation
- C s. 370.07, F.S. - relating to wholesale and retail saltwater products. This section listed in title of CS/CS/SB 864, but not in the body of the bill. (This section was not amended in the aquaculture bill.)
- C s. 370.071, F.S. - relating to regulation of shellfish processors. This section listed in title of CS/CS/SB 864, but not in the body of the bill. (This section was not amended in the aquaculture bill.)
- C s. 370.0205, F.S. - relating to citizen support organizations. (Note: the FWCC has sufficient authority in s. 372.0215, F.S., and does not need this section. This section needs to be moved out of chapter 370 because it only relates to the DEP's authority.)
- C s. 372.061, F.S. - relating to GFC meetings
- C s. 373.1965, F.S. - relating to Kissimmee River Valley and Taylor Creek-Nubbins Slough restoration project
- C s. 373.197, F.S. - relating to Kissimmee River Valley and Taylor Creek-Nubbins Slough restoration project
- C s. 403.261, F.S. - relating to rulemaking jurisdiction over air and water pollution

## METHODOLOGY

The committee staff did a computer search to determine which statutes needed to be amended to conform with the creation of the Fish and Wildlife Conservation Commission. Next staff worked closely with the staff of the Department of Environmental Protection, the Game and Fresh Water Fish Commission, and the Marine

Fisheries Commission to determine the most appropriate way to conform the various statutes. The changes were included in SB 864 and subject of public hearings in the Natural Resources Committee and the Fiscal Resources Committee during the 1999 Legislative Session.

## FINDINGS

After reviewing the various statutes that need to be amended to conform with the creation of the Fish and Wildlife Conservation Commission and the abolishment of the Game and Fresh Water Fish Commission, committee staff determined that the various conforming sections that were removed by House amendment to SB 864 still need to be addressed.

Provisions in ch. 99-353, L.O.F., direct the Division of Statutory Revision to prepare a reviser's bill for introduction at the 2000 Regular Session of the Legislature to change "Game and Fresh Water Fish Commission" to "Fish and Wildlife Conservation Commission" and to make other further conforming changes as are necessary to conform the Florida Statutes to the organizational changes resulting from the creation of the new Fish and Wildlife Conservation Commission. Committee staff believes the reviser's bill will be able to address the technical name changes but there are other conforming changes that need to be made that require background knowledge of agency programs and operations that the Division of Statutory Revision does not have and probably will not address in their proposed legislation.

## RECOMMENDATIONS

A proposed committee bill should be introduced to address the conforming technical and somewhat substantive issues that were included in CS/CS/SB 864 and approved by the Senate, but were subsequently deleted by House amendment before the final passage of the implementing legislation for the Fish and Wildlife Conservation Commission. In addition to addressing the conforming changes needed in the Florida Statutes, a proposed committee bill will provide a legislative instrument to address other policy issues that likely will emerge from the operation of the new agency and that are not known about at this time.

**COMMITTEE(S) INVOLVED IN REPORT** (*Contact first committee for more information.*)

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**MEMBER OVERSIGHT**

Senators Charlie Bronson and John Laurent