

STORAGE NAME: h0569s1.gg

DATE: April 13, 1999

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
GENERAL GOVERNMENT APPROPRIATIONS
ANALYSIS**

BILL #: CS/HB 569

RELATING TO: Land Management

SPONSOR(S): Committee on General Government Appropriations and Representative Putnam

COMPANION BILL(S): CS/SB 306 (s) by Committee on Natural Resources and Senator Bronson

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ENVIRONMENTAL PROTECTION YEAS 13 NAYS 0
- (2) WATER & RESOURCE MANAGEMENT YEAS 8 NAYS 0
- (3) GENERAL GOVERNMENT APPROPRIATIONS YEAS 11 NAYS 0
- (4)
- (5)

I. SUMMARY:

CS/HB 569 allows for management funds from the Conservation and Recreation Lands (CARL) Trust Fund to be used for management on other conservation and recreation lands that are managed by a state agency. In addition, equipment purchased using management funds for the CARL Trust Fund may be used for management purposes on such lands.

This bill also provides an exemption from a recreational user permit fee to hunt and fish on certain leased lands to a supervised minor dependent child of a permittee.

The bill provides that the act shall take effect upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 259.032, F.S., provides that an amount up to 1.5 percent of the cumulative total of funds ever deposited into the P2000 trust fund be made available for the purposes of management, maintenance and capital improvements, and for associated contractual services for lands acquired under CARL and P2000 to which title is vested in the Board of Trustees. Each agency with management responsibilities requests this funding annually from the legislature, the funds are appropriated from the CARL Trust Fund. This funding is limited to use on lands acquired under CARL and P2000. State agencies, particularly the Game and Fresh Water Fish Commission (GFC) and the Department of Agriculture and Consumer Services' Division of Forestry (DOF), manage substantial acreage of conservation and recreation lands that would not qualify for this funding. The GFC has title to three wildlife management areas (WMAs) totaling 143,553 acres that are contiguous to lands that receive management funding from the CARL Trust Fund. These WMAs do not receive CARL management funds, and the GFC would like the authority to expend some portion of its share of the CARL management funds to benefit the WMAs. The GFC will receive approximately \$8,150,454 in FY 1999-2000 for management purposes, but this funding will not be available for use on the 143,553 acres that are contiguous to the agency's CARL and P2000 lands.

Under the provisions of s. 372.57 (4)(b), F.S., a landowner may elect to receive user fees as an alternative to negotiating a traditional lease with the GFC for leasing of recreation lands. Such user fee is in the form of a recreational user permit, and is required to hunt, fish, or otherwise use for recreational purposes, lands leased by the GFC from participating nongovernmental land owners. The fee for this permit is based upon the economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs and is established by rule of the GFC. Currently, only two such fees have been established, one each at \$75 and \$125 per user. The GFC deducts a \$25 administrative fee from the cost of each permit and the remainder is returned to the landowner. The GFC reports that no permits have been sold to minor dependent children of permittees to date, and proposes that such children be exempted from the fees.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 569 creates the following changes:

- Allows management funds from the CARL Trust Fund to be used for currently ineligible conservation and recreation lands managed by a state agency. Any equipment purchased with management funds from the CARL Trust Fund may be used for the management of such lands.
- Exempts one minor dependent child per permittee from the recreational user permit fee who is hunting under the supervision of the permittee.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

The bill exempts one minor dependent child of a permittee, who is hunting under the supervision of the permittee, from the recreational user permit fee. There are currently two such permits, costing \$75 or \$125. To date, no children have applied for this permit, so the fiscal impact is negligible.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, this will allow children to accompany permitted parents hunting or fishing on leased lands of the GFC without being subject to the recreational user permit fee.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends s. 259.032 and s. 372.57, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 259.032, F.S., extending CARL management funding to any conservation and recreation lands managed by a state agency.

Section 2: Amends s. 372,57, F.S., exempting one supervised minor dependent child per permittee from the recreational user permit fee required for hunting and fishing on lands leased by the GFC.

Section 3: Provides that the act will take effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Recreational user permits will no longer be required for one supervised dependent child per permitted adult for hunting and fishing on lands leased by the GFC.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 569 does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 569 does not reduce the revenue raising authority of cities or counties.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 569 does not reduce the amount of state tax shared with cities and counties.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 17, 1999, the Committee on Environmental Protection heard HB 569 and adopted the following three amendments that will travel with the bill:

Amendment 1: Clarifies which lands management funds can be used on.

Amendment 2: Allows equipment purchased for conservation lands for management to be used on other contiguous state lands.

Amendment 3: Technical; renames "landowner lease fee" to "recreational user permit fee."

On March 1, 1999, the Water and Resource Management Committee unanimously adopted two additional amendments to the bill, that also will travel separately. One amendment was a technical correction, that renamed another reference to "landowner lease fee" to "recreational user permit fee." The second amendment clarified, that for the purposes of this bill, a minor is defined as someone 16 years old or younger.

On April 9, 1999, the Committee of General Government Appropriations adopted a "strike everything" amendment. The amendment removed the requirements that conservation and recreation lands be

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titled to the Board of Trustees or a state agency and contiguous to lands acquired under CARL or Preservation 2000, in order for CARL funds to be used for management of such lands. In addition, the amendment allows for equipment purchased with such funds to be used on any lands managed by a state agency for conservation and recreation purposes. The Committee then adopted HB 569 as a committee substitute, incorporating the "strike everything" amendment.

VII. SIGNATURES:

COMMITTEE ON ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

Christopher M. Flack

Wayne Kiger

AS REVISED BY THE COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

Staff Director:

Joyce Pugh

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AS FURTHER REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Staff Director:

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