

1989

## Session Law 89-116

Florida Senate & House of Representatives

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**S 472 GENERAL BILL/1ST ENG by Natural Resources and Conservation (Compare H 813, H 815, H 816, CS/H 1225, H 1421, H 1711, H 1716, CS/S 585)**  
**Natural Resources/Boards & Councils:** (SUNDOWN) repeals provision which provides for establishment of advisory bd. of land surveyors within D.N.R.; repeals provisions re oyster rehabilitation commissions, oyster conservation districts, revenue from sale of dead shells & lease bottoms, & district oyster conservation commissions; redesignates Waterfowl Advisory Committee as Waterfowl Advisory Council, etc. Amends F.S.; revives/readopts 372.5714, 259.035, 375.021(2). Effective Date: 06/26/89.  
03/10/89 SENATE Prefiled  
03/24/89 SENATE Referred to Natural Resources and Conservation  
04/04/89 SENATE Introduced, referred to Natural Resources and Conservation -SJ 46  
04/07/89 SENATE On Committee agenda—Natural Resources and Conservation, 04/11/89, 2:00 pm, Room-2C-(301)  
04/11/89 SENATE Comm. Report: Favorable by Natural Resources and Conservation, placed on Calendar -SJ 124  
04/27/89 SENATE Placed on Special Order Calendar -SJ 210; Passed as amended; YEAS 37 NAYS 0 -SJ 237  
05/02/89 HOUSE In Messages  
05/09/89 HOUSE Received, placed on Calendar -HJ 419  
05/16/89 HOUSE Placed on Special Order Calendar  
05/23/89 HOUSE Read second time -HJ 593  
05/24/89 HOUSE Read third time; Passed; YEAS 117 NAYS 0 -HJ 604  
05/24/89 Ordered enrolled -SJ 418  
06/12/89 Signed by Officers and presented to Governor  
06/26/89 Approved by Governor; Chapter No. 89-116; See also: CS/SB 585 (Ch. 89-98)

**NOTES:** Above bill history from Division of Legislative Information's *FINAL LEGISLATIVE BILL INFORMATION, 1989 SESSIONS*. Staff Analyses for bills amended beyond final committee action may not be in accordance with the enacted law. Journal page numbers (HJ & SJ) refer to daily Journals and may not be the same as final bound Journals.

REVISED: \_\_\_\_\_

BILL NO. SB 472DATE: March 30, 1989Page 1

## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Branning</u> <i>JB</i>	<u>Voigt</u> <i>WV</i>	1. <u>NRC</u>	<u>Favorable</u>
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

## SUBJECT:

Natural Resources

## BILL NO. AND SPONSOR:

SB 472 by  
Natural Resources and  
Conservation Committee

I. SUMMARY:

## A. Present Situation:

The Florida Legislature adopted the Sundown Act in 1978 as a supplement to the Regulatory Sunset Act because it found it to be in the public interest to systematically review the need for and benefits derived from boards, committees, commissions, and councils adjunct to executive agencies of the state. Several such advisory bodies which are adjunct to the Department of Natural Resources and the Game and Fresh Water Fish Commission are scheduled for repeal on October 1, 1989, pursuant to the Sundown Act.

Florida Public Land Survey Advisory Board

In 1977, the Legislature adopted ch. 77-361, L.O.F., the Florida Public Land Survey Restoration and Perpetuation Act. This act regulates the identification, restoration, and preservation of the controlling corner monuments established during the original cadastral surveys. That legislation also created s. 177.505, F.S., which established a five-member advisory board. This advisory board was to assist the Department of Natural Resources in the establishment of a program for the restoration of corner monuments, which are manmade or natural objects that are presumed to occupy a geographic corner or are references to the position of a corner. Other duties, as specified in s. 177.505, F.S., include advising the department regarding the selection of certain surveying personnel and citing the differences between a corner monument located by an individual land surveyor and a corner monument located by a department surveyor.

The board has assisted the department in the establishment of the department's restoration of corners program and the department's certified corner records program. Also, the board has provided guidelines by which the department selects qualified surveying personnel and consultants. There has, however, never been an occasion whereby the board has advised the department on differences occurring between a corner as located by an individual land surveyor and a corner as located by a department surveyor. The board has performed the duties for which it was created. As a result, the board has not met since 1985.

Interagency Advisory Committee for Wilderness Areas

In 1970, the Legislature enacted ch. 70-355, L.O.F., the State Wilderness System Act. The act's stated intent was to establish a state wilderness system consisting of designated wilderness areas which would be set aside in permanent preserves, forever off limits to incompatible human activity. The areas would be dedicated in perpetuity as wilderness areas

and managed to protect and enhance their basic natural qualities for public enjoyment. Such areas would also serve as reminders of the natural conditions that preceded man.

The Board of Trustees of the Internal Improvement Trust Fund was initially responsible for establishing wilderness areas. Chapter 70-355, L.O.F., also provided for the creation of a continuing interagency advisory committee to assist the board in the selection of wilderness areas and to formulate rules for the use of such areas.

In 1977, ch 77-126, L.O.F., transferred the authority to designate wilderness areas to the Department of Natural Resources. This act also directed the department to create a continuing interagency advisory committee to assist the department in the selection of wilderness areas.

The interagency advisory committee met sporadically until 1979. In 1979, the Legislature provided that wilderness lands must be acquired in accordance with the state lands acquisition procedures provided in s. 253.025, F.S. [ch. 79-255, L.O.F. and ch. 79-400, L.O.F.] Since that time, the department has not continued or used this interagency advisory committee.

During its period of activity, the advisory committee designated five wilderness areas from the state's land inventory. Currently, many of the committee's duties have been updated and are currently being performed by the selection committee for land acquisitions pursuant to s. 259.035, F.S.

The Interagency Advisory Committee for Wilderness Areas has not been active for almost 10 years and its activities have never been funded.

#### Oyster Rehabilitation Commissions

Section 370.16(24), F.S., authorizes the Governor to appoint a three-member oyster commission in any county in which natural oyster reefs exist. The commission members must be citizens of the affected county. Such commissions would operate in an advisory capacity to the Division of Marine Resources within the Department of Natural Resources. Commission duties would include advising the division concerning the administration of shellfish laws within the county and recommending to the division the most appropriate use of funds provided for the rehabilitation of natural oyster reefs within the county. To date, no oyster rehabilitation commissions have been established pursuant to the provisions of s. 370.16(24), F.S.

The division currently coordinates oyster rehabilitation activities with local interests. In recent years, the Legislature has appropriated funds to support oyster planting programs in counties where oysters exist. In some counties, such funds are used to fund relaying programs in which oysters are moved from areas closed to harvesting to areas in which oystering is permitted. In other counties, such funds are used to create artificial reefs. In every affected county, the division works with local citizen groups through informal agreements.

#### Waterfowl Advisory Committee

In 1979, the Legislature passed ch. 79-285, L.O.F., which required persons engaged in the taking of wild ducks or geese to purchase a Florida Waterfowl Stamp. There is a \$3 fee for this stamp. The revenues generated from this stamp are to be used as follows:

- (1) A maximum of 5 percent for administrative costs;
- (2) A maximum of 25 percent for waterfowl research; and

(3) A maximum of 70 percent for certain projects relating to the protection of migratory waterfowl and the preservation of wetlands.

Chapter 79-285, L.O.F., also created s. 372.5714, F.S., which established a three-member Waterfowl Advisory Committee to advise the Game and Fresh Water Fish Commission regarding the administration of revenues generated by the sale of the Florida Waterfowl Stamp. The advisory committee consists of one member appointed by the Governor, one member appointed by the President of the Senate, and one member appointed by the Speaker of the House of Representatives. Members may be representatives of state agencies, representatives of private conservation groups, or private citizens. Each member must possess knowledge and experience in the area of waterfowl management and protection. Members serve 2-year terms and may be reappointed. This conflicts with the provision of the Sundown Act which requires that members of advisory bodies serve 4-year staggered terms.

Pursuant to the definitions contained in the Sundown Act and s. 20.03, F.S., this entity should be referred to as an advisory council.

#### Land Acquisition Selection Committee

Section 259.035, F.S., creates the selection committee for land acquisition. The committee is composed of the following six members or their respective designees:

- (1) The secretary of the Department of Environmental Regulation;
- (2) The executive director of the Department of Natural Resources;
- (3) The director of the Division of Forestry of the Department of Agriculture and Consumer Services;
- (4) The executive director of the Game and Fresh Water Fish Commission;
- (5) The director of the Division of Historical Resources of the Department of State; and
- (6) The secretary of the Department of Community Affairs.

The Division of State Lands of the Department of Natural Resources is required to provide the primary staff support to the committee.

Duties of the committee, as described in s. 259.035, F.S., include establishing and updating a list of Conservation and Recreation Lands (CARL) acquisition projects pursuant to ch. 259, F.S., or s. 253.023, F.S.; and establishing or updating a list of Land Acquisition Trust Fund (LATF) projects and certain other projects pursuant to ch. 375, F.S., which are valued in excess of \$250,000. The lists must be mutually exclusive. Each acquisition list is ranked in order of priority and there must be at least twice the number of projects on a list in terms of estimated cost as there are anticipated funds for purchase.

The committee was created to assist and advise the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund in acquiring environmentally sensitive and other public lands. Although this entity is called a "committee," under the definitions contained in the Sundown Act, it functions more as an advisory council to the board. A "committee," as defined under the Sundown Act and s. 20.03, F.S., means "an advisory body created without specific

statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution to such problem."

#### Outdoor Recreation Advisory Committee

In 1963, ch. 63-36, L.O.F., created the Outdoor Recreation and Conservation Act. This act authorized the acquisition of lands needed by the state for outdoor recreation, wildlife management, forestry management, nature preservation, water conservation, and other similar or related purposes. The Land Acquisition Trust Fund was created to acquire such lands.

In 1967, ch. 67-351, L.O.F., created the Interagency Outdoor Recreation and Land Acquisition Advisory Committee to coordinate outdoor recreation, conservation, and multipurpose land acquisition needs. Chapter 73-333, L.O.F., renamed this committee the Outdoor Recreation Advisory Committee.

Currently, section 375.021(2), F.S., authorizes the establishment of the Outdoor Recreation Advisory Committee. The primary duty of the committee is to advise the Department of Natural Resources regarding outdoor recreation and land acquisition needs. The committee also advises the department on the most efficient use of the lands acquired. The committee is composed of the following persons or their designees:

- (1) The executive director of the Department of Natural Resources;
- (2) The executive director of the Game and Fresh Water Fish Commission;
- (3) The secretary of the Department of Community Affairs;
- (4) The secretary of the Department of Transportation;
- (5) The director of the Division of Forestry of the Department of Agriculture and Consumer Services, and
- (6) The director of the Division of Historical Resources of the Department of State.

This committee has not met since 1983. Most of its duties and responsibilities have been assumed by the Land Acquisition Selection Committee, the Land Management Advisory Committee, and the staff of the Department of Natural Resources. However, one of its responsibilities has not been assumed by another entity--that being the coordination of recreational needs among the various affected agencies.

#### **B. Effect of Proposed Changes:**

##### Florida Public Land Survey Advisory Board

Section 1 of the bill repeals s. 177.505, F.S., relating to the Florida Public Land Survey Advisory Board.

##### Interagency Advisory Committee for Wilderness Areas

Section 2 of the bill repeals s. 258.28, F.S., relating to an interagency advisory committee for wilderness areas. Also, this section repeals all of part II of ch. 258, F.S., consisting of ss. 258.17 through 258.332, F.S., relating to wilderness areas.

Wilderness areas, as such, are no longer being designated; however, land is currently being purchased and managed by the state pursuant to other land acquisition programs. These

programs fulfill the same or similar public uses or purposes as those specified in the wilderness areas program.

#### Oyster Rehabilitation Commissions

Section 3 of the bill repeals ss. 370.16(24), F.S., through 370.16(28), F.S., relating to Oyster Rehabilitation Commissions. Also, this bill repeals s. 370.16(30), F.S., which allows the Department of Natural Resources to create certain oyster conservation districts. Further, s. 370.16(33), F.S., which requires the Governor to appoint seven-member commissions for each such district, is also repealed.

#### Waterfowl Advisory Committee

Section 4 of the bill allows s. 372.5714, F.S., relating to the Waterfowl Advisory Committee, to continue in full force and effect on October 1, 1989, notwithstanding the scheduled repeal under the Sundown Act. Section 5 of the bill makes certain modifications to s. 372.5714, F.S., in order to conform it to the requirements of the Sundown Act. The committee's name is changed to the Waterfowl Advisory Council since this entity does not fall within the Statutory definition of a committee. Members are appointed to serve 4-year staggered terms as required by s. 11.611, F.S. A vacancy would be filled by appointment for the remainder of the unexpired term.

The council is required to meet at least once a year either in person or by a telephone conference call and maintain minutes of each meeting.

Section 6 of the bill provides that the current members' terms of office expire on September 30, 1989. This section then provides that the Governor must appoint a member for a term of 4 years, the President of the Senate must appoint a member for a term of 3 years, and the Speaker of the House of Representatives must appoint a member for a term of 2 years. Thereafter, members would be appointed for 4-year terms. This establishes the staggering of the terms as required by the Sundown Act.

The Waterfowl Advisory Council is repealed on October 1, 1999.

#### Land Acquisition Selection Committee

Section 8 of the bill allows s. 259.035, F.S., relating to the Land Acquisition Selection Committee, to continue in full force and effect on October 1, 1989, notwithstanding the scheduled repeal under the Sundown Act. Section 9 makes certain modifications to s. 259.035, F.S., in order to conform it to the requirements of the Sundown Act. The name is changed to the Land Acquisition Advisory Council since this entity does not fall within the statutory definition of a committee. Council members are entitled to receive reimbursement for per diem and travel expenses.

Section 259.035, F.S., is repealed on October 1, 1999.

#### Outdoor Recreation Advisory Committee

Section 8 of the bill allows s. 375.021(2), F.S., to continue in full force and effect notwithstanding its scheduled repeal on October 1, 1989, pursuant to the Sundown Act. However, section 10 of the bill substantially amends s. 375.021.(2), F.S.

The Outdoor Recreation Advisory Committee is abolished. Instead, the Department of Natural Resources is required to develop a comprehensive outdoor recreation plan in cooperation with the Department of Agriculture and Consumer Services, the Department of Transportation, the Game and Fresh Water Fish

Commission, the Department of Commerce, and the water management districts. The purpose of the plan is to document recreational supply and demand, describe current recreational opportunities, estimate the need for additional recreational opportunities, and propose means for meeting identified needs. Each agency mentioned above must periodically submit certain recreational data to the Department of Natural Resources. Also, these agencies must meet periodically at the request of the Department of Natural Resources to discuss recreational issues.

Section 11 of the bill amends 375.031, F.S., to require that every land acquisition project in excess of \$250,000 in value is subject to the selection procedures of s. 259.035, F.S..

## II. ECONOMIC IMPACT AND FISCAL NOTE:

### A. Public:

The Land Acquisition Advisory Council would continue to afford the public an opportunity to become involved in the state's land acquisition programs. Each member of the council brings a different and distinct area of interest and expertise to the council. Also, the council affords each member agency an opportunity to participate in the land acquisition process. This insures that due consideration will be given to monitoring land use planning and growth management, and protecting sensitive wildlife habitats, invaluable archaeological and historical sites, and the state's forest resources.

The Waterfowl Advisory Council would continue to give the public a role in waterfowl management decisions. This council selects the Florida Waterfowl Stamp design and solicits other government support on behalf of the commission for waterfowl research and management projects. Also, the council serves as a liaison between the Game and Fresh Water Fish Commission and Ducks Unlimited, Inc.

### B. Government:

Staff support services for the Land Acquisition Advisory Council are provided by the Division of State Lands in the Department of Natural Resources. In addition, each agency represented on the council has staff which is assigned to handle council business. Any expenses incurred by the council are absorbed within the Division of State Lands' budget and the budgets of the other participating agencies.

The workload of the Land Acquisition Advisory Council has demanded that the Division of State Lands, and the other affected agencies as well, dedicate a significant amount of staff resources to handle the council's work. There is some concern that the staffing resources provided to the council are inadequate. At the present time, the Division of State Lands has three full-time staff persons and three OPS persons which have been assigned to provide staff to the council. It has been suggested that if additional staff were provided for the council, the council would be able to make more informed decisions regarding the proposed acquisition projects for the priority list.

The Waterfowl Advisory Council would continue to provide certain technical and policymaking advice to the Game and Fresh Water Fish Commission. Also, the commission would benefit from the advice given by the council regarding the setting of hunting season dates.

This bill requires the Department of Natural Resources to meet periodically with several other state agencies to discuss and formulate a comprehensive outdoor recreational plan. It is not known at this time how many such meetings would be required



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annually. Also, it is not known whether or not the affected state agencies would experience a significant increase in the workload of existing staff.

III. COMMENTS:

None

IV. AMENDMENTS:

None.

STORAGE NAME: h813-f.rr  
DATE: June 28, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON REGULATORY REFORM  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL#: HB 813 (identical provisions passed in SB 472)

RELATING TO: Public Land Survey Advisory Board

SPONSOR(S): Committee on Regulatory Reform and Representative Rudd

EFFECTIVE DATE: October 1, 1989

COMPANION BILL(S): SB 472

OTHER COMMITTEES OF REFERENCE: (1)

(2)

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I. SUMMARY:

A. PRESENT SITUATION:

Part III of Chapter 177, Florida Statutes, the Florida Public Land Survey Restoration and Perpetuation Act, establishes a program for the identification, restoration, maintenance, and perpetuation of controlling corner monuments established during the original government surveys of Florida. The Department of Natural Resources and its Bureau of Survey and Mapping administer the act.

Section 177.505, Florida Statutes, provides for the appointment of a five member advisory board to assist the department in formulating policies, adopting rules, and selecting qualified land surveying personnel for the restoration of corners program. Duties assigned to the board include advising the department with regard to differences between a public land survey corner as located by an individual land surveyor and as located by a departmental land surveyor. The section provides for the appointment of members from nominations submitted by the Florida Society of Professional Land Surveyors and authorizes reimbursement for travel expenses. The state cadastral surveyor (i.e., Chief of the Bureau of Survey and Mapping) is designated as the secretary of the board. The advisory board is scheduled for Sundown repeal on October 1, 1989. The advisory board and its operations have been reviewed pursuant to the Sundown Act, section 11.611, Florida Statutes.

A Florida Public Land Survey Advisory Board was appointed and advised the Department's Bureau of Survey and Mapping until March 1985. The board has been inactive since that time and no new members have been appointed by the department. According to the department, the board accomplished its purpose. The primary

function of the board was satisfied by the adoption of rules providing for the restoration, remonumentation, and certification of public land survey corners and establishing procedures for the selection of qualified land surveying personnel.(rules 18-10 and 18-11, Florida Administrative Code) A management plan for the restoration of corners was commissioned and completed in 1983, providing future direction for the restoration of corners program. The resolution of differences between public land survey corners established by individual surveyors and departmental surveyors has proved unnecessary.

B. EFFECT OF PROPOSED CHANGES:

HB 813 repeals section 177.505, Florida Statutes, providing for a public land survey advisory board. The bill provides an effective date of October 1, 1989.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None. The bill provides for the repeal of the inactive Public Land Survey Advisory Board. The Department of Natural Resources has not incurred costs associated with board travel expenses or staff support of its activities since FY 84-85.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation 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:

None.

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

None.

D. FISCAL COMMENTS:

III. LONG RANGE CONSEQUENCES:

The bill provides for repeal of the board, but does not change the department's responsibility for administering the restoration of corners program.

IV. COMMENTS:

HB 813 reflects the findings and recommendations of staff's Sundown review of the Public Land Survey Advisory Board created pursuant to section 177.505, Florida Statutes.

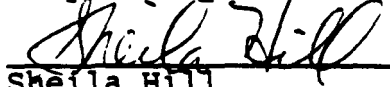
V. FINAL ACTION:

HB 813 died in the Senate Committee on Natural Resources and Conservation. Identical provisions passed in SB 472 which was approved by the Governor on June 26, 1989, chapter 89-116, Laws of Florida.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

  
Sheila Hill

Staff Director:

  
Patrick L. "Booter" Imhof

APPROPRIATIONS:

Prepared by:

Staff Director:

SH/cm

STORAGE NAME: h815-f.rr  
 DATE: July 6, 1989

HOUSE OF REPRESENTATIVES  
 COMMITTEE ON REGULATORY REFORM  
 FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 815 (similar provisions passed as SB 472)

RELATING TO: State Wilderness Areas

SPONSOR(S): Regulatory Reform Committee and Representative Morse

EFFECTIVE DATE: October 1, 1989

COMPANION BILL(S): SB 472

OTHER COMMITTEES OF REFERENCE: (1)

(2)

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I. SUMMARY:

HB 815 would repeal sections 258.17-258.332, Florida Statutes, abolishing the Advisory Committee for Wilderness Areas and the State Wilderness System Act.

A. PRESENT SITUATION:

In 1964, the 88th Congress of the United States established the National Wilderness Act (Public Law, 88-577), which established a National Wilderness Preservation System composed of federally owned areas designated by Congress as "wilderness areas". With the Act, Congress affirmed that they would "secure for the American people of present and future generations the benefits of an enduring resource of wilderness".

Congress also declared that wilderness areas would continue to be managed by the department and agency having jurisdiction over the land prior to its inclusion in the National Wilderness Preservation System, notwithstanding another provision by Congress.

A wilderness area, as defined by Congress, is "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain". An area of wilderness is further defined as an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation which is protected and managed so as to preserve its natural conditions.

In 1970, the Florida Legislature created the State Wilderness System Act (chapter 70-355, Laws of Florida) as a parallel to the

federal wilderness act. The state wilderness system consisted of designated wilderness areas which were to be set aside in permanent preserves, forever off limits to incompatible human activity, to be used for such activities as hiking, swimming, fishing, restricted boating, hunting, picnicking, sightseeing, primitive camping, nature study, and research. Wilderness areas may also be designated for natural water storage, ground water recharge areas, preservation of estuarine and marsh systems, and fish and wildlife breeding grounds and refuges.

The 1970 legislation also authorized the establishment of a continuing interagency advisory committee, by the Board of Trustees of the Internal Improvement Trust Fund, for assisting in the selection of wilderness areas and to advise and formulate rules and regulations for use of such areas.

The Interagency Advisory Committee for Wilderness Areas was appointed in 1971. Staff of the Board of Trustees served as staff to the committee until after the Florida Environmental Reorganization Act of 1975, at which point staff responsibility for the program fell to the Division of Recreation and Parks.

In 1977, the Legislature revised the State Wilderness System Act by enacting chapter 77-126, Laws of Florida, which required the Department of Natural Resources to create a continuing interagency advisory committee to assist in the:

- Selection of wilderness areas; and
- Formulation of rules and regulations for the use of such areas.

Then in 1979, the Legislature created the Conservation and Recreation Lands (CARL) program (chapter 79-255, Laws of Florida), which has two primary purposes. First, the conservation of lands, and to acquire other lands in the public interest. A major component of the CARL legislation was the separation of powers, responsibilities, and duties for administering the CARL program among the following three public entities:

1. The Land Acquisition Selection Committee - chooses the property to be acquired.
2. The Division of State Lands of the Department of Natural Resources - negotiates the acquisition.

3. The Board of Trustees (the Governor and Cabinet) - oversees the activities taking place under the CARL program, and allocates money from the CARL Trust Fund.

In 1980, the Department of Natural Resources concluded that little had been accomplished toward implementation of the state wilderness program, felt the wilderness program had been misplaced in the Division of Recreation and Parks, and that it was more appropriate to reassign the wilderness program to the Division of State Lands. The department's rationale was that the Division of State Lands could deal with the interagency aspects of wilderness preservation as a part of its overall land management planning function. However, the Division of Recreation and Parks was directed to continue to identify "wilderness preserves" in the state park system, because those lands probably would end up constituting the only approximation of a wilderness system in the state lands inventory.

The Department of Natural Resources reports that the Interagency Advisory Committee for Wilderness Areas has not met in almost ten years. During its active years, the committee did designate five wilderness areas from the state's land inventory.

The department also reports that the responsibilities assigned to the Interagency Advisory Committee for Wilderness Areas are now being met by the Land Acquisition Selection Committee. Since the committee's creation, several other programs have been authorized by the Legislature for conserving, preserving, and protecting lands. These programs -- Save Our Coast, Save Our Rivers, and Aquatic Preserves -- have essentially replaced the state wilderness program.

B. EFFECT OF PROPOSED CHANGES:

HB 815 repeals sections 258.17 - 258.332, Florida Statutes, abolishing the Interagency Advisory Committee for Wilderness Areas and the State Wilderness System Act.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

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None

2. Recurring or Annualized Continuation Effects:

No funds have been appropriated to the Department of Natural Resources for the purposes of administering the Interagency Advisory Committee for Wilderness Areas or the State Wilderness System Act. Therefore, there are no costs or cost savings to the state.

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation 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:

None

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

None



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D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

None

IV. COMMENTS:

Pursuant to section 11.611, Florida Statutes, the Interagency Advisory Committee for Wilderness Areas is set to repeal on October 1, 1989. A Sundown report has been prepared by the staff of the House Committee on Regulatory Reform which presents the findings, conclusions, and recommendations of the staff research. This bill implements those recommendations.

The sundown review of sections 258.17 - 258.332, Florida Statutes, is consistent with the House of Representatives policy statement set forth for Governmental Efficiency & Effectiveness (Group II). The review, and subsequent bill provides for continued efficiency and effectiveness in government, which is a prerequisite for sustaining economic growth and maintaining faith in the system of governance.

Since 1979, the committee's missions have been met by the Land Acquisition Selection Committee (responsible for establishing a list for conservation or recreation lands for state acquisition), the Save Our Coast Program (responsible for establishing a list for acquisition of coastal lands in order to protect their recreational and environmental benefits), and the Save Our Rivers Program (water management districts are responsible for buying areas along rivers for the conservation and protection of water resources).

The Department of Natural Resources has no objections to the repeal of the Interagency Advisory Committee for Wilderness Areas or the State Wilderness System Act.

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DATE: July 6, 1989

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V. FINAL ACTION:

HB 815 passed the House and died in the Senate Committee on Natural Resources and Conservation. Similar provisions were passed by the Legislature in SB 472 which was approved by the Governor on June 26, 1989 as chapter 89-116, Laws of Florida.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:



Marcia A. Mathis

Staff Director:



Patrick L. "Booter" Imhof

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:

STORAGE NAME: h816-f.rr  
DATE: June 26, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON REGULATORY REFORM  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 816 (identical provisions passed in SB 472)

RELATING TO: Oyster Rehabilitation Commission

SPONSOR(S): Committee on Regulatory Reform

EFFECTIVE DATE: October 1, 1989

COMPANION BILL(S): SB 472

OTHER COMMITTEES OF REFERENCE: (1)

(2)

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I. SUMMARY:

This bill would repeal and amend language found in section 370.16, Florida Statutes, creating oyster rehabilitation commissions; and would repeal section 370.17(7), Florida Statutes, creating sponge conservation commissions.

A. PRESENT SITUATION:

The law as it exists today represents a carryover of the late 1890's Fish Commission. It was carried forward in the 1913 oyster legislation that created a Department of Game and Fish. The law authorizes the Governor to appoint three member oyster rehabilitation commissions in any county where natural oyster reefs exist. The commissions are advisory to the Division of Marine Resources of the Department of Natural Resources on matters relating to replanting and rehabilitating oyster beds and administering the shellfish laws in each respective county. The law authorizes the appointment and removal of commission members, and provides that members shall serve without compensation. It further provides that the duties of the commissions are advisory only and that the Division of Marine Resources shall confer with and consider the recommendations of the commissions regarding the shellfish industry in the respective counties. The Department of Natural Resources is unaware of the appointment of any oyster rehabilitation commissions.

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B. EFFECT OF PROPOSED CHANGES:

The bill would repeal legislation authorizing and detailing the duties and responsibilities of Oyster Rehabilitation Commissions, found in section 370.16(24)-(28), Florida Statutes.

The bill would also repeal legislation regarding oyster conservation districts, revenue from the sale of dead shells and lease bottoms and oyster conservation commissions within conservation districts; the legislation is found in section 370.16(29), (30), (31), and (33), Florida Statutes.

The bill would amend section 370.16(34), Florida Statutes, authorizing the Division of Marine Resources to continue its cooperation with the U. S. Fish and Wildlife Service, and receive donations, grants, etc. in the absence of legislation contained in section 370.16(29), (30), (31), and (33), Florida Statutes.

Further, the bill would repeal section 370.17(7), Florida Statutes, authorizing any sponge conservation commissions.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None.

2. Recurring or Annualized Continuation Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Appropriations Consequences:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None.

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2. Recurring or Annualized Continuation 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:

None.

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

None.

D. FISCAL COMMENTS:

None.

III. LONG RANGE CONSEQUENCES:

None.

IV. COMMENTS:

Oyster rehabilitation commissions, authorized by section 370.16(24)-(28), Florida Statutes, have never actually been appointed. Pursuant to section 11.611, Florida Statutes, a Sundown review was conducted which recommends repeal of those statutes. In addition, in concurrence with recommendations of the Division of Marine Resources, section 370.16(29)-(31) and (33), Florida Statutes, are also recommended for repeal as unnecessary and unused legislation. However, because there is some question as to whether subsection (34) is necessary for the Division to cooperate with and receive grants from Federal agencies, that subsection is amended to remain in force. The amendatory language is constructed to take into account the repeal of subsections referred to within subsection (34).

Section 370.17, Florida Statutes, contains language relating to the regulation of sponges. Subsection 320.17(7), Florida Statutes,

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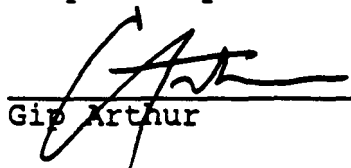
requires the Governor to appoint, in any sponge conservation district, a sponge conservation commission. (Authority for creation of the conservation districts is contained in subsection (5) of 370.17, Florida Statutes.) Subsection 370.13(7), Florida Statutes, further states that the commission would be subject to the limitations contained in section 370.16(25), and (26), Florida Statutes, prescribing the duties of the oyster rehabilitation commission. Since subsections (25) and (26) are being repealed, reference to those subsections would be an unacceptable inclusion in section 370.17(7), Florida Statutes. Upon consultation with the Division of Marine Resources, they note that the sponge conservation commission legislation is quite similar to the oyster rehabilitation legislation in that no sponge conservation commissions have ever been appointed either. They further indicated that there would be no adverse effect whatsoever in repealing the sponge commission language and concurred in a recommendation to repeal it. Accordingly, language to repeal section 370.17(7), Florida Statutes, is contained in the bill.

V. FINAL ACTION:

HB 816 died in the Senate Committee on Natural Resources and Conservation. Identical provisions were passed by the Legislature in SB 472, which was approved by the Governor on June 26, 1989, chapter 89-116, Laws of Florida.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:  
Prepared by:

  
Gip Arthur

Staff Director:

  
Patrick L. "Booter" Imhof

STORAGE NAME: h1421-f.rr  
 DATE: July 6, 1989

HOUSE OF REPRESENTATIVES  
 COMMITTEE ON REGULATORY REFORM  
 FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 1421 (similar provisions were passed as SB 472)

RELATING TO: Department of Natural Resources

SPONSOR(S): Regulatory Reform Committee

EFFECTIVE DATE: October 1, 1989

COMPANION BILLS: SB 472

OTHER COMMITTEES OF REFERENCE: (1)

(2)

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I. SUMMARY:

HB 1421 would direct certain state agencies to participate in the development of the state outdoor recreation plan; would provide the purpose of the plan; would require certain agencies to meet periodically, at the Department of Natural Resources request; and would abolish the Outdoor Recreation Advisory Committee.

A. Present Situation:

Prior to the creation of the Outdoor Recreation Advisory Committee in 1973 (chapter 73-333, Laws of Florida), outdoor recreation development was orchestrated through an outdoor recreational development council and an outdoor recreational planning committee (chapter 63-36, Laws of Florida). In 1967, the Legislature created the Interagency Outdoor Recreation and Land Acquisition Advisory Committee (chapter 67-352, Laws of Florida), which coordinated needs for outdoor recreation, conservation and multi-purpose land acquisition, and provided guidance in the most beneficial use of the land acquired.

Section 375.021, Florida Statutes, assigns the Department of Natural Resources with the responsibility, authority, and power to develop and execute a comprehensive multipurpose outdoor recreation and conservation plan. Each project selected for acquisition is included in the comprehensive multipurpose outdoor recreation and conservation plan, and is subject to the selection procedures of section 359.035, Florida Statutes, if the estimated value of such project exceeds \$250,000.

The Outdoor Recreation Advisory Committee was created to coordinate needs for outdoor recreation, conservation, multi-purpose land acquisition, and to obtain professional guidance in the most beneficial use of lands acquired. The committee's primary purpose is to advise the Department of Natural Resources as to outdoor recreation

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DATE: July 6, 1989

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and land acquisition needs, and to advise the department as to the most efficient use of lands acquired.

The Outdoor Recreation Advisory Committee is composed of the executive director of the Department of Natural Resources (who also serves as chairman of the committee); the executive director of the Game and Fresh Water Fish Commission; the secretary of the Department of Community Affairs; the secretary of the Department of Transportation; the director of the Division of Forestry of the Department of Natural Resources; and the director of the Division of Historical Resources of the Department of State.

In 1979, the Legislature created the Conservation and Recreation Lands (CARL) program, which has two primary purposes. First, it incorporated the 1972 Environmentally Endangered Lands (chapter 72-300, Laws of Florida), whose primary purpose was the conservation of lands. The second purpose of the CARL program is to acquire other lands in the public interest. A major component of the CARL legislation was the separation of powers, responsibilities, and duties for administering the CARL program among the following three public entities:

1. The Land Acquisition Selection Committee - reviews all CARL applications, decides which applications should receive further evaluation through the preparation of detailed resource assessments, determines the final project boundaries through the project design process, and establishes the priority ranking of CARL projects.
2. The Division of State Lands of the Department of Natural Resources - provides primary staff support to the CARL program. They prepare or obtain boundary maps, title work and appraisals for all CARL projects and are charged with negotiating their purchase on behalf of the board. The division also provides staff support for administering all leases and management plans for lands acquired through the CARL program.
3. The Board of Trustees (the Governor and Cabinet) - responsible for approving, in whole or in part, the list of acquisition projects in the order of priority in which such projects are presented. The board also controls all allocations from the CARL Trust Fund, including funding for boundary maps and appraisals, as well as payments for option contracts or purchase agreements. The board also has the final word on leases and management plans for lands purchased through the CARL program, as well as all rules which govern the program.

The purpose of the state outdoor recreation and conservation plan is unclear. Most of the agencies see the plan as a Department of Natural Resources plan to guide the department in it's park purchase and development plan. However, the Department of Natural Resources sees the plan as a documentation of recreational resource supply and demand, with the utility of the plan being a guide for all state



agencies to use when given an opportunity to provide recreational opportunities. The department has expressed the need to continue and enhance its ability to develop and execute a comprehensive multipurpose outdoor recreation plan, and feels the need to encourage the input of other state agencies through mandating the cooperation of the Department of Agriculture and Consumer Services, the Department of Transportation, the Game and Fresh Water Fish Commission, the Department of Commerce, and the water management districts.

The Department of Natural Resources reports that the Outdoor Recreation Advisory Committee met a total of 39 times (beginning July 30, 1974 through May 10, 1983), and has not met since May 10, 1983. During its active years, the committee did provide the services for which it was assigned. However, the department also reports that many of the responsibilities assigned to the Outdoor Recreation Advisory Committee are now being met by the Land Acquisition Selection Committee and other bodies.

**B. Effect of Proposed Changes:**

HB 1421 would require the Department of Agriculture and Consumer Services, the Department of Transportation, the Game and Fresh Water Fish Commission, the Department of Commerce, and the water management districts to participate in the development of the state outdoor recreation plan.

The bill would also provide the purpose of the plan which is to document the state's recreational opportunities, estimate the needs for additional recreational opportunities, and propose means for meeting those needs.

In addition, the bill would require those agencies noted above to meet periodically, at the Department of Natural Resources' request, to discuss recreational issues.

Finally, HB 1421 would abolish the Outdoor Recreation Advisory Committee.

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

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

**1. Non-recurring or First Year Start-Up Effects:**

None

**2. Recurring or Annualized Continuation Effects:**

No funds have been appropriated to the Department of Natural Resources for the purposes of administering the Outdoor Recreation Advisory Committee, therefore, there are no costs or cost savings to the state.

**3. Long Run Effects Other Than Normal Growth:**

None

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Economic Impact on Private Sector:

None

2. Direct Private Sector Benefits:

None

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

None

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

None

IV. COMMENTS:

Pursuant to section 11.611, Florida Statutes, a Sundown report has been prepared by the staff of the House Committee on Regulatory Reform which presents the findings, conclusions, and recommendations of the staff research.

The sundown review of section 375.021(2), Florida Statutes, is consistent with the House of Representatives policy statement set forth for Governmental Efficiency & Effectiveness (Group II). The review, and subsequent bill provides for continued efficiency and effectiveness in

government, which is a prerequisite for sustaining economic growth and maintaining faith in the system of governance.

Since 1983, most of the Committee's missions have been met by the Land Acquisition Selection Committee (responsible for establishing a list for conservation or recreation lands for state acquisition), and the Land Management Advisory Committee (responsible for reviewing the recommendations and management plans for state-owned lands which are prepared by the managing agencies.

The Department of Natural Resources has no objections to the repeal of the Outdoor Recreation Advisory Committee.

V. FINAL ACTION:

HB 1421 passed the House and died in the Senate Committee on Natural Resources and Conservation. Similar provisions were passed by the Legislature in CS/SB 472 which was approved by the Governor, chapter 89-116, Laws of Florida.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:



Marcia A. Mathis

Staff Director:



Patrick L. "Booter" Imhof

SECOND COMMITTEE OF REFERENCE:

Prepared by:

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APPROPRIATIONS:

Prepared by:

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Staff Director:

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Staff Director:

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STORAGE NAME: hl711-f.rr  
DATE: July 7, 1989

HOUSE OF REPRESENTATIVES  
COMMITTEE ON REGULATORY REFORM  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 1711 (similar provisions passed as SB 472)

RELATING TO: State Lands

SPONSOR(S): Regulatory Reform Committee

EFFECTIVE DATE: October 1, 1989

COMPANION BILL(S): SB 472

OTHER COMMITTEES OF REFERENCE: (1)

(2)

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I. SUMMARY:

HB 1711 would redesignate the Conservation and Recreation Land (CARL) program's land acquisition selection committee as the Land Acquisition Advisory Council; would entitle members of the council to receive reimbursement for per diem and traveling expenses; and would save section 259.035, Florida Statutes, from Sundown repeal.

A. PRESENT SITUATION:

In 1979, the Legislature created the Conservation and Recreation Lands (CARL) program, which has two primary purposes. First, it assimilated the 1972 Environmentally Endangered Lands (chapter 72-300, Laws of Florida), whose primary purpose was the conservation of lands. The second purpose of the CARL program is to acquire other lands in the public's interest. A major component of the CARL legislation was the separation of powers, responsibilities, and duties for administering the CARL program among the following three public entities:

1. The Land Acquisition Selection Committee - reviews all CARL applications, decides which applications should receive further evaluation through the preparation of detailed resource assessments, determines the final project boundaries through the project design process, and establishes the priority ranking of CARL projects.
2. The Division of State Lands of the Department of Natural Resources - provides primary staff support to the CARL program. They prepare or obtain boundary maps, title work and appraisals for all CARL projects and are charged with negotiating their purchase on behalf of the Board. The Division also provides staff support for administering all leases and management plans for lands acquired through the CARL program.

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3. The Board of Trustees (the Governor and Cabinet) - responsible for approving, in whole or in part, the list of acquisition projects in the order of priority in which such projects are presented. The Board also controls all allocations from the CARL Trust Fund, including funding for boundary maps and appraisals, as well as payments for option contracts or purchase agreements. The Board also has the final word on leases and management plans for lands purchased through the CARL program, as well as all rules which govern the program.

The six-member selection committee includes the Secretary of the Department of Environmental Regulation, the Executive Director of the Department of Natural Resources, the Director of the Division of Forestry of the Department of Agriculture and Consumer Services, the Executive Director of the Game and Fresh Water Fish Commission, the Director of the Division of Historical Resources of the Department of State, and the Secretary of the Department of Community Affairs.

The committee is responsible for:

1. Establishing, updating, and submitting a priority list of land acquisition projects for purchase to the Board of Trustees of the Internal Improvement Trust Fund (Governor and Cabinet) by February of each year.
2. Establishing or updating a list of Save Our Coasts and Land Acquisition Trust Fund acquisition projects valued in excess of \$250,000 for purchase pursuant to the Outdoor Recreation and Conservation Act of 1963 (chapter 375, Florida Statutes) by January of each year.

Although the committee has met 104 times to accomplish the responsibilities for which it was assigned, the entity functions more as an advisory council (as defined in section 20.03, Florida Statutes) to the Board of Trustees.

Also, consistent with the provisions of the Sundown Act, committee members serve without additional compensation for conducting committee business, but should be entitled to receive reimbursement for per diem and traveling expenses. Section 259.035, Florida Statutes does not specifically address this issue as provided for in section 11.611(7)(d), Florida Statutes, of the Sundown Act.

B. EFFECT OF PROPOSED CHANGES:

HB 1711 would redesignate the name of the selection committee as the Land Acquisition Advisory Council.

The bill also reflects that all members of the advisory council serve without additional compensation for conducting council business, but are entitled to receive reimbursement for per diem and traveling expenses, which would fulfill the Sundown Act requirements pursuant to section 11.611(7)(d), Florida Statutes.

Finally, HB 1711 would save section 259.035, Florida Statutes, from Sundown repeal on October 1, 1989, and provide for future review and repeal of the section on October 1, 1999.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation 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:

None

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

None

D. FISCAL COMMENTS:

The Department of Natural Resources reports no fiscal impact associated with HB 1711. Agencies will reimburse their respective council members for per diem and travel expenses incurred in performance of their duties as provided in s. 112.061 from appropriated base budget authority.

III. LONG RANGE CONSEQUENCES:

This bill is consistent with section 187.201(10) and (21), Florida Statutes, the State Comprehensive Plan for protecting and acquiring unique natural habitats and ecological systems, and for government to economically and efficiently provide the amount and quality of services required by the public.

IV. COMMENTS:

Pursuant to section 11.611, Florida Statutes, section 259.035, Florida Statutes is set to repeal on October 1, 1989. A Sundown report has been prepared by the staff of the House Committee on Regulatory Reform which presents the findings, conclusions, and recommendations of the staff research. The bill implements those recommendations.

The sundown review of section 259.035, Florida Statutes, is consistent with the House of Representatives policy statement set forth for Governmental Efficiency and Effectiveness (Group II). The review and bill provides for continued efficiency and effectiveness in governments, which is a prerequisite for sustaining economic growth and maintaining faith in the system of governance.

V. FINAL ACTION:

HB 1711 passed the House and died in the Senate Committee on Natural Resources and Conservation. Similar provisions were passed by the Legislature in SB 472 which was approved by the Governor, on June 26, 1989, chapter 89-116, Laws of Florida.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Marcia A. Mathis  
Marcia A. Mathis

Staff Director:

Patrick L. "Booter" Imhof  
Patrick L. "Booter" Imhof

SECOND COMMITTEE OF REFERENCE:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Staff Director:



STORAGE NAME: h1716-f.rr  
 DATE: June 5, 1989

**HOUSE OF REPRESENTATIVES  
 COMMITTEE ON REGULATORY REFORM  
 FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1716 (identical provisions passed in SB 472)

**RELATING TO:** Waterfowl Advisory Committee

**SPONSOR(S):** Committee on Regulatory Reform

**EFFECTIVE DATE:** October 1, 1989

**COMPANION BILL(S):** SB 472

**OTHER COMMITTEES OF REFERENCE:** (1)

(2)

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**I. SUMMARY:**

HB 1716 would revise and reenact section 372.5714, Florida Statutes, providing for the continued existence of the Waterfowl Advisory Committee, renamed as the Waterfowl Advisory Council.

**A. PRESENT SITUATION:**

Section 372.5714, Florida Statutes, enacted in 1979, establishes a Waterfowl Advisory Committee to advise the Game and Fresh Water Fish Commission regarding the administration of revenues generated by the sale of the Florida Waterfowl Stamp (The Florida Waterfowl Stamp is provided for in section 372.5712, Florida Statutes). The committee also consults with and advises the commission with respect to the establishment and operation of projects for the protection and propagation of migratory waterfowl, as well as the restoration, maintenance, and preservation of wetlands.

The committee consists of three members, one appointed by the Speaker of the House, one appointed by the Governor, one appointed by the President of the Senate. Each member serves for two years and is eligible for reappointment. The members are required to have "knowledge and experience in the area of waterfowl management and protection".

The members are to elect a chairman, and the Game and Fresh Water Fish Commission is directed to provide staff support as necessary. Members serve without compensation, but shall be reimbursed expenses when on official business.

**B. EFFECT OF PROPOSED CHANGES:**

The body would be renamed the Waterfowl Advisory Council. Member terms are changed to four years and staggered. The bill would

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require that a vacancy be filled by appointment for the remainder of the unexpired term. The chairman would be elected annually.

The council would be required to hold at least one meeting a year, in person or by telephone conference call. Records of council activity would be kept by the Game and Fresh Water Fish Commission, and made available to any interested party.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

#### 1. Non-recurring or First Year Start-Up Effects:

None

#### 2. Recurring or Annualized Continuation Effects:

Committee members are currently authorized to draw per diem and travel expenses. The Game and Fresh Water Fish Commission has indicated that the committee has drawn less than \$1000.00 annually (for all members combined). The provision that the members hold at least one formal meeting a year should increase that figure marginally, if at all.

#### 3. Long Run Effects Other Than Normal Growth:

None

#### 4. Appropriations Consequences:

None

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

#### 1. Non-recurring or First Year Start-Up Effects:

None

#### 2. Recurring or Annualized Continuation 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:

None

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

None

D. FISCAL COMMENTS:

None

III. LONG RANGE CONSEQUENCES:

The continuation of the advisory body will allow the Game and Fresh Water Fish Commission to continue to receive advice on projects planned for the protection and enhancement of waterfowl and their habitat.

IV. COMMENTS:

HB 1716 reflects the findings and recommendations of the Sundown Report on the Waterfowl Advisory Committee. The bill's change in the name of the advisory body to Waterfowl Advisory Council conforms with the definition of "committee" and of "council" found in section 20.03, Florida Statutes. A committee is assigned to deal with a specific problem and its existence terminates upon completion of its assignment. A council functions on a continuing basis in an advisory capacity.

The stipulation that a formal meeting be held and records kept and made available follows statutory requirements contained in the Sundown Act (section 11.611, Florida Statutes), the Public Records Law (chapter 119, Florida Statutes) and the Open Meetings Law (section 286.011, Florida Statutes). Additionally, care should be taken to conform with the requirement of notice for public meetings (section 286.0105, Florida Statutes).

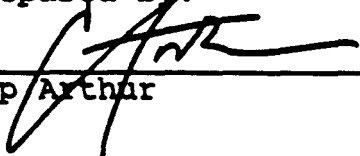
V. FINAL ACTION:

HB 1716 died in the Senate Committee on Natural Resources and Conservation. Identical provisions were passed by the Legislature in SB 472 and approved by the Governor on June 26, 1989, chapter 89-116, Laws of Florida.

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

  
\_\_\_\_\_  
Gip Arthur

Staff Director:

  
\_\_\_\_\_  
Patrick L. "Booter" Imhof