



# Florida Fish and Wildlife Conservation Commission

Legislative Affairs Office

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## 2019 Legislative Proposal

**Title: Citizen Support Organizations – Repeal of Sunset Provision**

**Submitted by: Legislative Affairs Office**

### I. Summary of the Proposal

This proposal would repeal the October 1, 2019 sunset provision of the Fish and Wildlife Conservation Commission's (Commission) Citizen Support Organizations (CSOs): Wildlife Alert Reward Association (Association) and the Fish & Wildlife Foundation of Florida (Foundation).

### II. Present Situation

Section 379.223, F.S., permits the Commission to authorize the creation of CSOs to provide assistance, funding, and promotional support for the programs of the Commission. All CSOs created under this section must meet the following criteria:

- Must be a not-for-profit corporation, incorporated pursuant to the provisions of Chapter 617, F.S., and approved by the Department of State.
- Must be organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, or real or personal property; and make expenditures for the benefit of the Commission or an individual program unit of the Commission; except that such organization may not receive funds from the Commission or the Fish and Wildlife Research Institute by grant, gift, or contract unless specifically authorized by the Legislature.
- Must be determined by the Commission to act in a manner that is consistent with the goals of the Commission and the best interests of the State.
- Must be approved in writing by the Commission to operate for the benefit of the Commission. Such approval must be stated in a letter of agreement from the Executive Director of the Commission.

During the 2015 Legislative Session, statutory provisions were added to all State Agency CSOs requiring a review by the Legislature, or be repealed on October 1, 2019. This provision impacts all CSOs of the Commission. Legislative action is necessary to keep the Commission's CSOs from being repealed; this includes the Association and the Foundation.

### **III. Effect of Proposed Changes in the Bill**

This proposal would repeal the October 1, 2019 sunset provision of the Commission's CSOs.

### **IV. Impact on All Pertinent Statutes/Rules/Constitution**

Section 379.223, F.S., would be amended, as follows:

379.223 – Citizen support organizations; use of state property; audit. -

(1) The Fish and Wildlife Conservation Commission may authorize the establishment of citizen support organizations to provide assistance, funding, and promotional support for the programs of the commission. For purposes of this section, the term "citizen support organization" means an organization which:

(a) Is a corporation not-for-profit incorporated pursuant to the provisions of chapter 617 and approved by the Department of State.

(b) Is organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer in its own name securities, funds, or real or personal property; and make expenditures for the benefit of the commission or an individual program unit of the commission; except that such organization may not receive funds from the commission or the Fish and Wildlife Research Institute by grant or gift unless specifically authorized by the Legislature. If the citizen support organization by contract provides fiscal and administrative services to the commission for a grant or program that benefits the commission, the organization may be reimbursed or compensated for such services by the commission if the services are a direct benefit to the commission.

(c) The commission has determined acts in a manner that is consistent with the goals of the commission and the best interests of the state.

(d) Is approved in writing by the commission to operate for the benefit of the commission. Such approval must be stated in a letter of agreement from the executive director of the commission.

(2)(a) The Fish and Wildlife Conservation Commission may permit a citizen support organization to use commission property, facilities, and personnel free of charge. A citizen support organization may use commission property, facilities, and personnel if such use is consistent with the approved purpose of that citizen support organization and if such use does not unreasonably interfere with the general public's use of commission property, facilities, and personnel for established purposes.

(b) The commission may prescribe conditions upon the use by a citizen support organization of commission property, facilities, or personnel.

(c) The commission may not permit the use of any property, facilities, or personnel of the state by a citizen support organization that does not provide equal membership and employment opportunities to all persons regardless of race, color, national origin, religion, sex, or age.

(3) Each citizen support organization shall provide for an annual financial audit in accordance with s. 215.981. The identity of a donor or prospective donor to a citizen support organization who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s.

119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

~~(4) This section is repealed October 1, 2019, unless reviewed and saved from repeal by the Legislature.~~

**A.** Does the proposed legislation conflict with existing federal law or regulations? If so, what laws and/or regulations?

No.

**B.** Does the proposed legislation raise significant constitutional concerns under the United States or Florida Constitutions (e.g. separation of powers, access to the courts, equal protection, free speech, establishment clause, and impairment of contracts)?

No.

**C.** Is the proposed legislation likely to generate litigation and, if so, from what interest groups or parties?

No.

**V. Affected Agencies and Groups**

Wildlife Alert Reward Association  
Fish & Wildlife Foundation of Florida  
Fish and Wildlife Conservation Commission

**VI. Fiscal Impact**

**A. On FWC**

No.

**B. On Other State Agencies**

No.

**C. On Local Governments**

No.

**D. On Private Sector**

No.

**E. Tax/Fee Issues**

No.