



# Florida Fish and Wildlife Conservation Commission

Legislative Affairs Office

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## 2019 Legislative Proposal

**Title: Clarification of Authority – Residential Conservation Programs**

**Submitted by: Legislative Affairs Office**

### I. Summary of the Proposal

This proposal would give the Fish and Wildlife Conservation Commission (Commission) explicit statutory authority to organize, operate, staff, and equip residential programs, including the ability to provide meals and meal services.

### II. Present Situation

The Commission and its predecessor agency, the Game and Fresh Water Fish Commission, have a long history of hosting fish and wildlife conservation residential camps, programs, and trainings, going back into the 1950s. The Commission has conducted these activities as an exercise of constitutional authority. Additionally, the Legislature has acknowledged and supported the Commission in these efforts through both legislation and appropriations, as further discussed below.

The Department of Financial Services (DFS) recently denied payment for catering services used to support the [Becoming an Outdoors-Woman \(BOW\) program](#). During discussion regarding the BOW program, DFS additionally raised concerns regarding the Commission's residential youth camps, the Everglades Youth Conservation Camp and the Ocala Conservation Center. DFS raised these concerns due to their interpretation that the Commission lacks clear statutory authority to organize, staff, equip, operate, and provide meals and meal services for all residential education. Therefore, DFS indicates they may not approve future payments for food and food services for these camps and programs. As a result, the Commission seeks statutory clarification of its authority in this regard.

#### Constitutional Authority

Section 9, Art. IX, Florida Constitution, authorizes the Commission to exercise executive powers of the State with respect to wild animal life, fresh water aquatic life, and marine life, reserving that all license fees and penalties for violating Commission regulations shall be prescribed by general law. Additionally, the section states that the Legislature may enact laws in aid of the Commission, not inconsistent with that section of the Constitution.

## Legislative Authority

- Cultural heritage of hunting, fishing and the taking of game: In s. 379.104, F.S., the Legislature acknowledged the value of hunting, fishing, and the taking of game to the cultural heritage of Florida and the importance of these activities to the State's economy and in the conservation, preservation, and management of the State's natural areas and resources. [Section 379.104, F.S., was first enacted as s. 372.002, F.S., in 2002].
- Promotion of hunting and sport fishing with an emphasis on youth participation: 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." [Section 379.354(8), F.S., was first enacted in 2009].
- Donations used to enhance youth hunting, freshwater and saltwater fishing: Section 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." [Section 379.352(13), F.S., was first enacted as s. 372.561(13), F.S., in 2007].
- Marine Resources Conservation Trust Fund (MRCTF): In relevant part, Section 379.2201(1), F.S., states that not more than 7.5 percent of the total fees from all saltwater license and permit fees deposited into the MRCTF shall be used for administration of the licensing program and for information and education.
- Hunter Safety Training and Certification: Funds collected under the State Game Trust Fund shall be used by the Commission as it shall deem fit in carrying out the provisions of section 379.211, F.S. Under the assignment of duties and responsibilities set out in section 20.331(7)(d), F.S., the Division of Hunting and Game Management shall provide hunter safety training and certification. Programs like Becoming an Outdoors Woman include sessions on the Hunter Safety Certification course.
- Nature-based Recreation; Promotion and Other Assistance by the Commission: Section 288.0658, F.S., directs the Commission to assist other state agencies, tourist and economic development organizations, and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Commission is directed to focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. Nature-based recreation includes activities such as fishing, hunting, camping, wildlife viewing, canoeing, kayaking, backpacking, and nature photography.

## Legislative Appropriations

The Legislature has historically supported these residential conservation programs. Over the last five years, the Legislature has appropriated approximately \$2.1 million in Fixed Capital Outlay (FCO) for Everglades Youth Conservation Camp, and \$750,000 in FCO for the Ocala Conservation Center.

## Commission Actions

- FWC Strategic Plan: The Commission's Strategic Plan includes the following Strategic Initiative, "Expanding Participation in Conservation: Increase participation among youth and families representing Florida's diverse population by expanding partnerships to implement Florida Youth Conservation Centers Network (FYCCN) and other programs that promote fishing, hunting, boating, wildlife viewing, shooting sports, and conservation appreciation."
- Recruit, Retain, Reactivate (R3) Program: The Commission has partnered with industry and non-governmental organizations to recruit, retain, and reactivate anglers, boaters, hunters, and shooting sports participants. The R3 Program is part of a national campaign to increase participation in conservation efforts. The Commission's R3 Program spans the entire agency and involves a number of programs including BOW, FYCCN, fishing seminars and educator training, and the Youth Hunting Program.
- Florida Youth Conservation Centers Network (FYCCN): In recent years, the Commission has worked at "Creating the Next Generation that Cares" and established the FYCCN in a collaborative outreach effort to instill in Florida's youth an appreciation and sense of ownership in Florida's fish and wildlife and their habitat. The Commission's residential programs have traditionally been conducted at the Ocala Youth Conservation Center and the Everglades Youth Conservation Center. It is estimated that since the 1950s, both the Commission and the Game and Fresh Water Fish Commission have hosted in excess of 50,000 resident summer campers.
- Becoming an Outdoors-Woman (BOW): BOW is an outreach effort of the hunter safety program that introduces women to a variety of outdoor activities including hunting, shooting, fishing, camping and kayaking. The program includes sessions of shooting sports, small-game hunting basics, bowhunting basics and bowhunting certification course, hunter safety certification course, etc.
- Hunter Safety Volunteer Program: The mission of the hunter safety program is to continue the heritage of hunting by developing safe, responsible, knowledgeable and skilled hunters and shooters. Hunter safety training is nation's largest success story of cooperation between industry, federal government, state government and volunteers. The industry pays a self-imposed tax on firearms, ammunition and archery equipment; the U.S. Fish and Wildlife Service gives an apportionment of these funds to each state for hunter safety training; the Florida Fish and Wildlife Conservation Commission administers the program, and volunteer instructors

assist in providing hands-on training. The value of the volunteer instructor hours donated to the program provides the required 25% matching funds to spend the federal apportionment.

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

This proposal would clarify that the Commission has the explicit statutory authority to organize, operate, staff, and equip residential programs, including the ability to provide meals and meal services.

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

Section 379.107, F.S., would be created to read:

379.107, Residential Conservation Programs. – The Commission may organize, staff, equip, and operate residential programs to provide fish and wildlife conservation education opportunities and training programs to the public, Commission employees, and volunteers. To assist in carrying out the operation of these programs, the Commission may establish cooperative efforts involving federal, state, and local entities; procure commodities and contractual services, including travel, lodging, meal and meal services; and hire and train appropriate personnel and volunteers.

**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**

Members of the public who participate in these programs  
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.

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