



FY 2021/22 Legislative Budget Request

**October 8, 2020
Commission Meeting**



Florida Fish and Wildlife Conservation Commission

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All photos by FWC unless otherwise noted.

Image Credit:

Michael Rivera

2021/22 Legislative Budget Request Action Items:

Schedule VIII B-1 Potential Current Year
(FY 20/21) Reductions

Schedule VIII B-2 Potential Next Year
(FY 21/22) Reductions

Legislative Budget Request Funding Issues



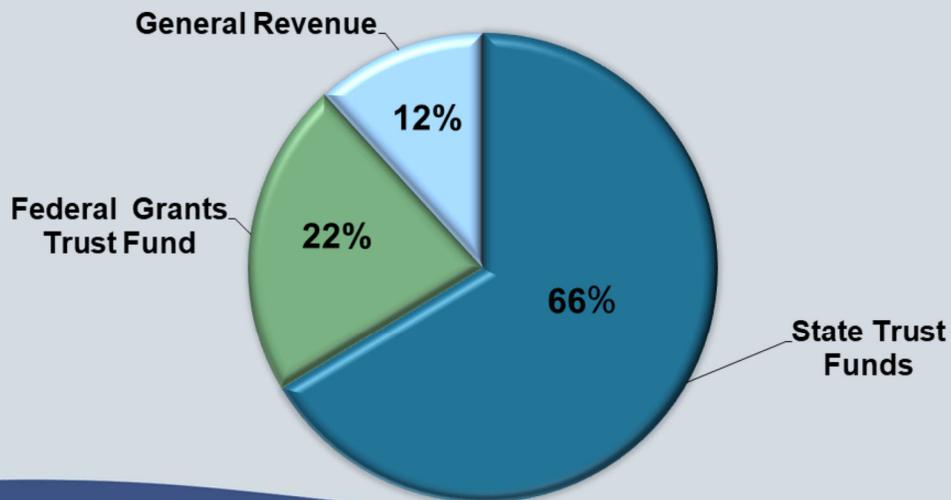
In this Legislative and Budget Report, we will be covering the Agency Legislative Budget Request and the Agency Legislative Package, for the 2021 Legislative Session.

Staff will be presenting proposals for Commission approval on the following:

- (1) Schedule VIII B-1 Potential Current Year (FY 20/21) Reductions
- (2) Schedule VIII B-2 Potential Current Year (FY 21/22) Reductions
- (3) Legislative Budget Request Funding Issues (FY 21/22)

In the event revenue collections do not come in as planned, all state agencies are required to submit a list of options the legislature may choose from if it becomes necessary to balance budget spending in accordance with reduced revenues. It is important to note that FWC is not proposing these reductions, but rather we want to do our part given the changes to economic conditions.

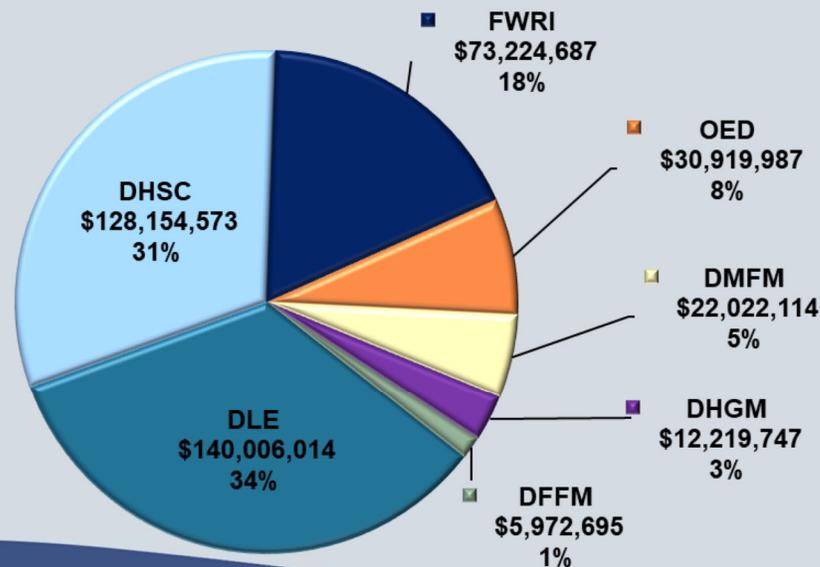
Fiscal Year 2020/21 FWC Budget \$412.5 Million



FWC's Budget is funded primarily from State Trust Funds. We operate from a total of 14 different trust funds with numerous, diverse revenue streams.

Examples Include: Hunting and Fishing Licenses and Permits, Vessel Registration Fees, Doc Stamps and federal and nonfederal grants.

Fiscal Year 2020/21 Budget by Division: \$412.5 Million



The largest division in terms of funding is the Division of Law Enforcement.

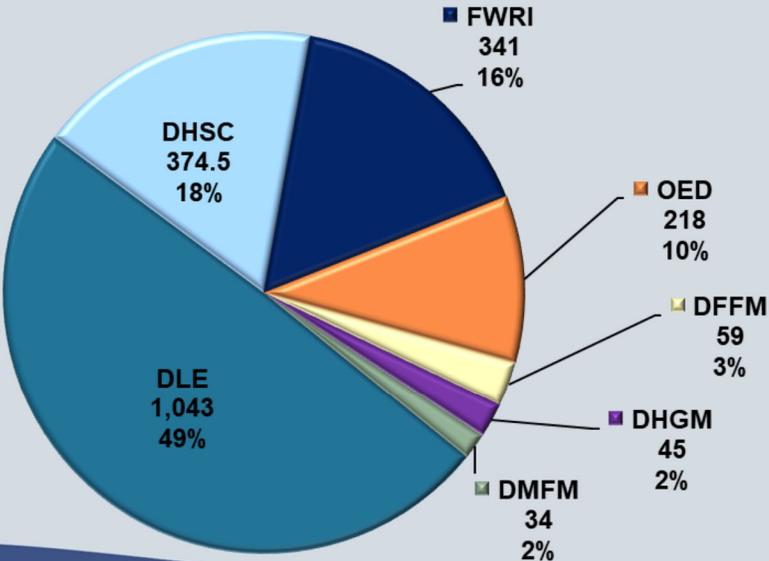
OED Service Offices

- Office of Community Relations
- Office of Licensing and Permitting
- Florida Youth Conservation Centers Network
- Gulf Coast Restoration Unit

OED Support Offices

- Office of the Executive Director
- Office of the Chief Financial Officer
- Legislative Affairs Office
- Office of Inspector General
- Office of Information Technology
- Finance and Budget Office
- Office of Strategic Initiatives
- Office of General Counsel
- Office of Human Resources
- Improvement and Planning Section
- Regional Offices

Fiscal Year 2020/21 FTE by Division: 2,114.5



The largest division in terms of FTE (full-time equivalent) positions is the Division of Law Enforcement with 1,043 FTE.

State of Florida Economic Outlook

- State revenue collections are down approximately \$2B from March 2020 – June 2020
- Most recent revenue projections indicate a further shortfall of \$5.4B over the upcoming two fiscal year time period



Comparable to what we are seeing in private industry, the key issue for the next several fiscal years is the economic climate and how state revenue collections have been impacted by the global pandemic. Florida relies heavily on revenues from tourism to fund its annual budget. FWC revenue collections from license and permit sales are slightly up over the same time period, so FWC trust funds have overall not been negatively impacted by the pandemic.

FY 2020/21 Schedule VIII B-1: Potential Reductions

8.5%
Target Reduction = \$26,961,422



The annual legislative budget request instructions require the submission of potential reductions in the current fiscal year that are equal to 8.5% of the agency's total budget, to prepare for significantly reduced revenue collections from the global pandemic. Agency leadership has worked closely with the Governor's Office to develop a plan to continue mission critical operations, while still meeting potential reduction targets. Staff continue to work diligently to mitigate impacts to conservation efforts. There is a full list of options under separate cover.

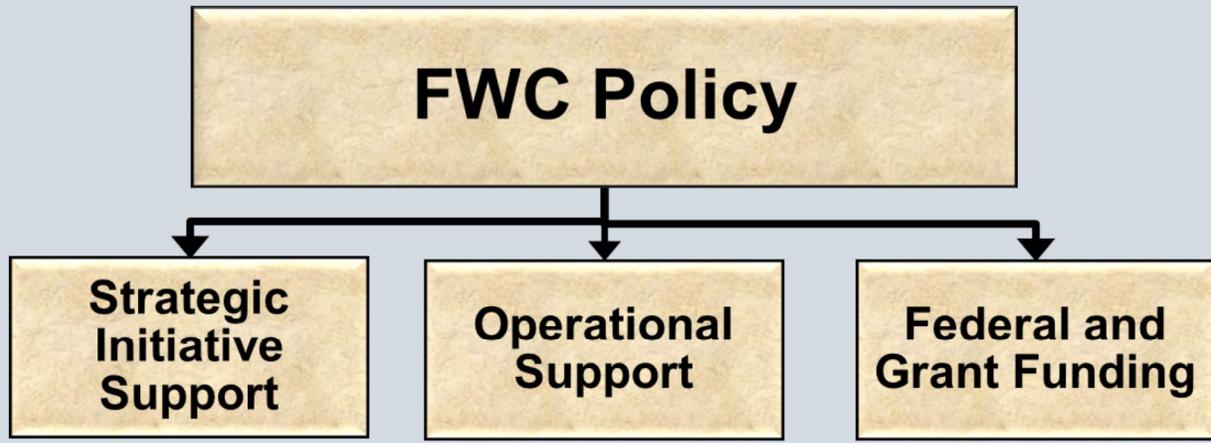
FY 2021/22 Schedule VIII B-2: Potential Reductions

10.0%	=	\$29,274,083
Target Reduction		56.0 FTE



The annual legislative budget request instructions also require the submission of potential reductions for the upcoming fiscal year that are equal to 10% of the agency's total budget, to prepare for any potential decline in revenue collections. There is a full list of options provided under separate cover.

FY 2021/22 Legislative Budget Request



Agency policy is the major driver for agency budget requests. The budget requests are divided into 3 main groupings:

- 1) Strategic Initiative Support
- 2) Operational Support
- 3) Optimize Federal Funding

FY 2021/22 Legislative Budget Request

Other Key Factors

No Requests to Start New Programs

Make Do for Another Year

No Requests for Recurring Funding

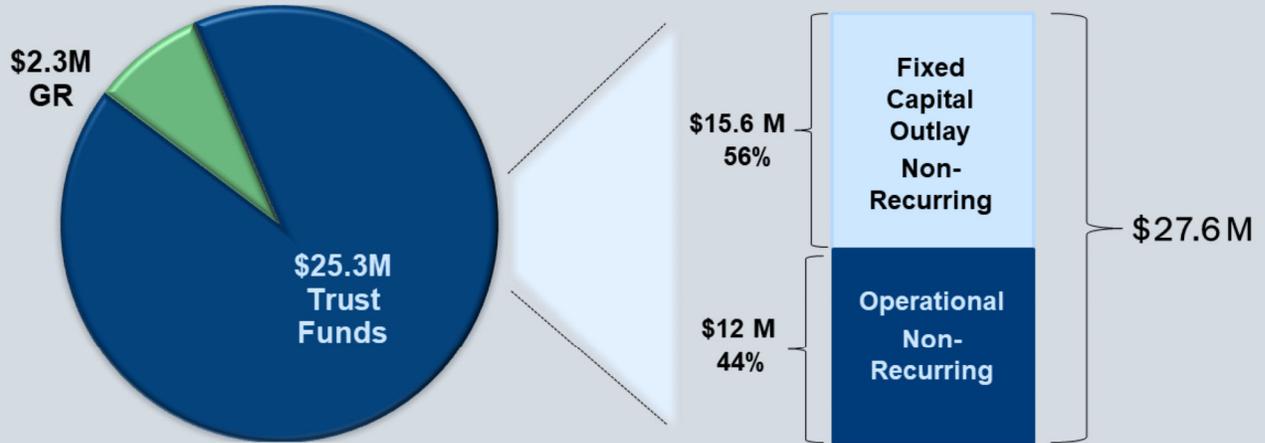


Because of the downturn in economic conditions from the global pandemic, we also looked at three other considerations in making decisions about what funded is needed:

- 1) We didn't ask for funding to start any new programs or initiatives that weren't previously started
- 2) We didn't ask for funding for programs if we were able to get by with existing resources for another year
- 3) We limited requests to non-recurring or one-time funding only

FY 2021/22 Legislative Budget Request

Total: \$27.6 Million



Our total budget request is \$27.6M, with no requests for recurring funding.

FY 2021/22 Legislative Budget Request

Operational Support

- Patrol Vehicle and Vessel Replacement: \$2,300,000 GR
- DLE Field Officer Laptop Replacement: \$500,000 TF
- FWRI Headquarters HVAC Replacement – Phase I (FCO): \$1,793,078 TF
- Replacement of Land Management Equipment: \$790,000 TF
- Florida PALM Migration (IT and Business Support): \$765,360 TF



Patrol Vehicle and Vessel Replacement – This issue replaces patrol vehicles, boats, motors, and trailers that meet the DMS criteria for replacement and have become unsafe or cost-prohibitive to operate.

DLE Field Officer Laptop Replacement - Law enforcement officers use computers daily and they are an integral piece of equipment. They enhance officer safety and allow us to more effectively serve the public. These computers provide the ability to print citations and warnings, check for warrants, enhance officer safety by allowing for location tracking of our officers, and many other critical law enforcement uses. Half of the division's laptops are out of warranty and are beginning to fail. This funding will help begin the process of replacing the divisions laptops. Due to the environment in which our officers work the laptops must be rugged to withstand saltwater, bumps and jarring, and exposure to water.

FWRI HQ HVAC Replacement - The FWRI Headquarters building in St. Petersburg is 26 years old and its HVAC system is past end of life stage. The facility totals 100,000 sq. ft. and houses 340+ scientists, administrative and support staff. Recently, the facility has experience multiple chiller and boiler failures which create unworkable conditions during warmer months and temperature and humidity fluctuations cause analytical and monitoring instruments to give erroneous readings. The annual HVAC maintenance contracts have increased in price to the age of the system and difficulty in finding parts for repairs. In addition to being more reliable, upgrading to a modern HVAC system will consume at least 40% less electricity than our current system. Phase 1 funding includes replacement of the building automation system controls and replacement of major system components, including air handlers and a lab safety and exhaust system upgrade. **Replacement of Heavy Equipment** - This issue is for the replacement of six pieces of heavy equipment. The equipment will be used to increase safety during prescribed burns on over 1.4 million acres of land managed by FWC, repair and maintain 2,150 miles of roads in the Wildlife Management Area system, and to transport equipment needed for effectively managing state lands and provide public access. The replacement criteria for this type of equipment is 10 years or older. The Division requests to replace four Type VI wildland fire engines, one semi-truck for equipment transport, one transport truck. Depending on the type of equipment, the average cost ranges from \$100,000 to \$140,000 for each unit.

Florida PALM Migration (IT Staff Augmentation) – This issue requests \$415,360 in recurring funds to secure Project Management and Information Technology consulting staff to augment the existing software development resources maintaining the FWC finance and accounting systems. These additional resources will be needed to address the system changes required to support the transition from the Department of Financial Services (DFS) Florida Accounting Information Resource (FLAIR) to the DFS Planning, Accounting and Ledger Management (PALM) system

FY 2021/22 Legislative Budget Request

Optimize Federal and Grant Funding

- Apalachicola Bay Oyster Restoration - Phase II: \$1,173,955 TF
- Marine Mammal Pathobiology Laboratory - Phase I (FCO): \$630,415 TF
- Apollo Beach Saltwater Sportfish Hatchery - Phase II (FCO): \$4,620,000 TF
- Habitat Conservation Plans: \$3,899,625 TF
- Blue Springs Run Bank Stabilization (FCO): \$1,028,263 TF



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Apalachicola Bay Oyster Restoration FWC has received a \$20,049,030 grant from the National Fish and Wildlife Foundation (NFWF) to restore oysters in Apalachicola Bay. The restoration will take place in two steps. FWC and NFWF have executed a \$3,277,029 contract for the first step, which includes data collection, analyses, and the development of an oyster management strategy that will be considered to be deployed after restoration has been completed. This funding will provide administrative assistance and contractual services to the University of Florida for the development of a post recovery management strategy for Apalachicola Bay and Suwannee Sound.

Marine Mammal Pathobiology Lab - This issue will provide for the design of a new marine mammal necropsy facility to increase and enhance investigations by the Marine Mammal Stranding Network (MMSN) into marine mammal mortality sources. This project is anticipated to be awarded in November 2020 and will be funded by the National Fish and Wildlife Foundation's (NFWF) Gulf Environmental Benefit Fund associated with Deepwater Horizon oil spill recovery. The facility will be built in partnership with Eckerd College in St. Petersburg and operated and maintained by FWC, will allow FWC and other MMSN members to continue to determine the cause of stranding and/or death for stranded marine mammals, and will help provide information necessary for developing management actions aimed at reducing marine mammal mortality.

Apollo Beach Saltwater Sportfish Hatchery - This issue will provide for Phase II construction of the FWC marine sportfish stock enhancement facility in Apollo Beach, FL funded by the Florida Trustee Implementation Group associated with the Deepwater Horizon Oil Spill Natural Resource Damage Assessment (NRDA) process. Phase I included design and construction of a 10,000-square foot marine fish hatchery; design and partial construction of an office; and all necessary aquaculture equipment. Phase II will provide the necessary infrastructure to fully develop and improve techniques for fish production and reproduction techniques for stock enhancement; provide the broodstock capacity needed for a marine stock enhancement program in Florida; and produce juvenile sportfish to further enhance recreational fishing opportunities and the natural fisheries populations. The project would be implemented by FWC and will be focused on enhancing recreational fishing opportunities through aquaculture and release of up to 1 million marine sportfish annually into waters of the Gulf of Mexico.

Habitat Conservation Plans Commission staff anticipate a total of \$4.75 million dollars in spending needs for federal flow-through grants, including 1) Panther Dispersal Zone RLA, 2) Amelia Island HCPPA, 3) St. Lucie County HCPPA, 4) Canaan Ranch RLA, and 5) Lake Wales Ridge RLA. These five projects are intended to address the needs of federally listed species. HCPs, RLAs, and HCPLAs rely heavily on partnering counties and landowners and take several years to complete with time-sensitive components. This funding is 100% reimbursable from the USFWS.

Blue Springs Run Bank Stabilization: This request is to complete the Blue Spring Run Bank Stabilization Project. The grant is part of FDEP's newly-established Water Protection Grants program. The funds are for reconstruction and stabilization of banks along Blue Spring Run in Volusia County.

FY 2021/22 Legislative Budget Request

Optimize Federal and Grant Funding

- Federal Fisheries Disaster Declaration : \$1,613,543 TF
- Boating Access and Improvement (FCO): \$6,906,175 TF
- Artificial Reefs Construction (FCO): \$600,000 TF
- Acquisition of Vehicles for Grant Work: \$416,000 TF



Federal Disaster Declaration – Hurricane Irma resulted in substantial damage to coral reef systems, adversely affected mangrove and seagrass communities on both the Atlantic and Gulf coasts including the Florida Keys and Florida Bay; dispersed marine and land debris from destroyed fishing traps and other storm-related waste; degraded biotic sponge community habitat; cut power to wholesale and seafood retail facilities; damaged saltwater wholesale and retail facilities and equipment; and created the worst displaced derelict vessel disaster the state has experienced in recent times. This issue will provide for operating costs necessary to help with the effort to recover, repair, and sustain the health of Florida's marine fisheries and associated economies.

Boating Access and Improvement – This issue will provide funding for the extensive maintenance and repair of boat ramps operated and maintained by the FWC, construction of new boat ramps, assistance with the increased responsibility for oversight of waterway markers in Florida, and joint boat access partners on public lands, such as the Department of Environmental Protection, Department of Agriculture and Consumer Services, Water Management Districts, and other governmental entities. Additionally, this issue will provide grant funding to counties, municipalities, and other governmental agencies from funds transferred from the Fuel Tax Collection Trust Fund and from county vessel registration fees. Projects that meet the criteria under the Florida Boating Improvement Program include recreational channel marking, public launching facilities, derelict vessel removal, and other boating related activities that enhance boating access for recreational boaters.

Artificial Reefs - Assessment or monitoring of artificial reefs is essential to understanding the effectiveness of reef design, material, location and use patterns in achieving the objectives for which the reefs were built. Assessment data will guide future reef development efforts. This capability more effectively brings the Division into compliance with its charge to wisely manage and protect marine reef fish resources associated with artificial reefs, while causing no harm to the marine environment.

Acquisition of New Grant-Related Motor Vehicles – This issue would provide for 10 new vehicles associated with USFWS and Gulf States Marine Fisheries Commission grants in the FWRI.



Agency Legislative Package

October 8, 2020
Commission Meeting



Florida Fish and Wildlife Conservation Commission

Report Date:

Author: Jessica Crawford

All photos FWC unless otherwise noted

Photo credit: Michael Rivera

Boating

- Anchoring and Mooring
- Waterway Management
- Marine Sanitation
- At-Risk/Derelict Vessels
- Boating Safety and Education
- Special Hazards



User Conflict Associated with Anchored Vessels: Would expand the current no-anchoring regulation (150 feet) to include a private facility that provides secure moorings or dry storage to users; currently only public marinas are included.

Waterway Management: Prohibit operation of a human-powered vessel in a marked channel of the Florida ICW; a human-powered vessel may cross these channels but must cross in the most direct, continuous and expeditious manner possible.

Marine Sanitation: Establish a no discharge zone for all state waters pending approval by the EPA.

At-Risk Vessels: Make a vessel with three or more of the same at-risk citation (ss. 327.4107) within an 18-month period a public nuisance; would give FWC the authority to relocate, remove and/or destroy a vessel deemed to be a public nuisance; would allow FWC to create derelict vessel prevention programs, such as a Vessel Turn-In Program (VTIP), allowing owners to turn their vessel and vessel title over to FWC to be destroyed without penalty; provides for removal of abandoned vessels for which an owner cannot be identified, or for which the owner of a vessel is deceased, and no heir is interested in acquiring the vessel; allows for the purchase of anchor line, anchors and other equipment necessary for securing vessels at risk of becoming derelict. Penalties: Increase fine amounts for at-risk vessel violations to \$100, \$250 and \$500 for a first, second and third offense (current fine amounts are \$50, \$100 and \$250).

Derelict Vessels: Add the definitions of Junked, Wrecked and Substantially Dismantled to law; would also change the notification requirement to 21 days to reflect current practice and exercise of “due process” rights.

Boating Safety: Would prohibit a person from sitting on the bow, transom or gunwale of a vessel with a foot or leg over the side of the vessel (noncriminal infraction).

Boating Safety Education: Eliminate requirement of 10hp or more and age requirement for boater education; require boater education for all operators of vessels regardless of age or vessel type by January 1, 2023, so long as the operator does not meet the exemption requirements.

Special Hazards: Would establish a 300-foot slow speed zone around all law enforcement and first responder vessels that have their lights activated during the exercise of their duties and around all

active construction sites on the water to protect life and limb of workers present.

Wildlife Trafficking

This proposal would strengthen wildlife trafficking regulations by establishing wildlife trafficking as a predicate violation under Florida's Racketeer Influence and Corrupt Organization (RICO) Act.



Consumer demand and transnational organized criminal networks are driving the illicit trade of wildlife, including aquatic life, and wildlife products (wildlife trafficking). The illegal trade has evolved into one of the world's largest black markets and is valued at tens of billions of dollars. Florida is both a source of wildlife and wildlife products, a transit point, and a destination for sellers and buyers.

Individuals associated with wildlife trafficking are difficult to deter from this activity without the appropriate charges. While there are a variety of laws that protect wildlife, including a few that protect against the illegal sale of wildlife in Florida, the current laws protecting against the illegal purchase and sale of wildlife and aquatic life are primarily misdemeanors that typically only result in small fines and probation when traffickers are convicted. Currently, there are no predicate violations under Florida's RICO Act specifically related to the illegal trafficking of fish and wildlife. The inclusion of predicate offenses under the laws and rules of FWC would provide a powerful tool in the effort to combat wildlife trafficking.

By adding the illegal take, sale, purchase or possession of wildlife and aquatic life as a predicate violation to Florida's RICO Act, law enforcement and the state prosecutor's office would have the tools and more incentive to address the most egregious wildlife trafficking violators and disrupt a highly profitable illegal trade because they would be able to pursue the violation under the RICO Act. A RICO offense is a 1st degree felony with a maximum punishment up to 10 years in prison and \$10,000 fine. In addition, the illegal property and proceeds made from wildlife trafficking will be

subject to civil forfeiture.

Re-Creation of Trust Funds

- This proposal would recreate FWC's 13 trust funds.
- Two trust funds will need to be amended to allow revenues to be used for administrative costs.
- Six trust funds will need to be amended to specifically authorize the investment of funds within the State Treasury.



Pursuant to section 215.3206, F.S., state agencies are required to recommend to the Legislature either the termination or re-creation of agency-administered trust funds periodically, based on a classification scheme established in the annual Legislative Budget Request (LBR) instructions. If an agency does not request that each trust fund scheduled for termination be re-created and the Legislature re-creates it, the trust fund will sunset four years after its initial creation. FWC's agency-administered trust funds are subject to the prescribed legislative review during the 2021 Session, and each trust fund will require re-creation via a three-fifths vote on single-purpose bills, in each house.

The trust funds listed below will require modifications to existing statutory language to provide for additional allowable expenditures. Currently, the language that authorizes the use of these trust funds precludes them from being used to provide for administrative costs; therefore, these funds do not contribute financial support to the agency's Administrative Trust Fund. We propose that these trust funds be re-created with modifying language that allows supporting revenues to be used to provide for agency administrative costs.

379.205, F.S. - Florida Panther Research and Management Trust Fund;
379.213, F.S. - Save the Manatee Trust Fund

The trust funds listed below will require modifications to their source of receipts (investment interest earned). Currently, these trust funds do not explicitly authorize the investment of funds within the State Treasury; however, investing funds has been a long-standing practice of the agency and it was not until the Division of Financial Services (DFS) raised the issue several years ago that we realized authorizing language to invest funds did not exist. DFS has recommended that language be added to explicitly authorize the investment of funds within the State Treasury. We propose that these trust funds be re-created with modifying language that allows supporting revenues to be used to provide for the investment of funds.

379.205, F.S. - Florida Panther Research and Management Trust Fund;
379.208, F.S. - Marine Resources Conservation Trust Fund;

379.209, F.S. - Non-Game Wildlife Trust Fund; 379.211, F.S. - State Game Trust Fund;
379.213, F.S. - Save the Manatee Trust Fund; 379.214, F.S. - Invasive Plant Control Trust
Fund

Legislative and Budget Report – Staff Recommendation:

**Approve New Budget
Issues and
Schedule VIII B Potential
Reduction Issues**

**Approve the Agency
Legislative Package**

**Authorize the Executive
Director in consultation with
the Chairman or the
Commission Budget Liaison
to make adjustments to
these issues as needed
through the 2021 Legislative
Session**



Staff recommends adoption of the budget issues and reductions as presented, with an authorization for the Executive Director to consult with the Chairman or the Commission Budget Liaison as needed, to make any adjustments that may be necessary as we continue to move through the process.

Staff recommends that the proposal be approved for submission to the Legislature for the 2021 Session. In addition, staff requests that the Executive Director, in consultation with the Chairman, be allowed to make adjustments on this proposal and advise staff on other legislation, as needed, through the 2021 Session.