

Fish and Wildlife Conservation Commission

2009 Session Report – Week 7

Legislative Affairs Office
April 19, 2009

Week seven of the 2009 Session has concluded; two weeks remain. There were no House or Senate hearings on FWC's legislative package, CS/HB 1423 and CS/CS/SB 2536, this past week. The Senate bill is scheduled, however, Monday, April 20, in the Senate General Government Appropriations Committee, its last committee of reference. FWC has requested several amendments be adopted that will get the bill close to being identical to its House companion. Two additional amendments have been filed that make substantive changes:

- 1) Miami-Dade County's amendment names the boating safety education section of law the "Osmany 'Ozzie' Castellanos Boating Safety Education Act "
- 2) The Florida Wildlife Federation's and the Florida Chapter of the National Wild Turkey Federation's amendment increases several recreational hunting and fishing permit fees, special opportunity hunt permit fees, and wildlife management area fees. It also creates a deer permit fee. The amendment is effective July 1, 2010:
 - Increases the waterfowl permit from \$3 to \$5 (*last increased/established in 1979*)
 - Increases the resident wild turkey permit from \$5 to \$10 (*last increased in 1987*)
 - Increases the non-resident turkey permit from \$100 to \$125 (*last increased in 2003*)
 - Increases the permit for limited entry or special-opportunity hunting/fishing activities not to exceed \$150/day or \$300/week. Current fees are not to exceed \$100/day or \$250/week (*last increased/established in 1996*)
 - Increases the Wildlife Management Area Permit on lands for which it is the lead manager, for hunting and fishing uses, from \$25 to \$30 (*last increased in 1989*)
 - Allows the Commission to charge up to \$5/day or up to \$30/year, for non-hunting and fishing uses, on Wildlife Management Areas in which it is the lead manager
 - Creates an annual deer permit for \$5
 - Increases the snook permit from \$2 to \$10 (*last increased/established in 1989*)
 - Increases the lobster permit by \$2 to \$5 (*last increased/established in 1989*)
 - Directs monies from species permits to benefit the species for which they are purchased
 - Allows up to 10% of permit fees to be used for promoting hunting and sportfishing, with an emphasis on youth programs

- Moves modified provisions of s. 379.2211 and s. 379.2212, F.S., regarding how revenues from waterfowl and turkey permits are to be used and the requirement of annual reports, in the license/permit section of law, s. 379.354, F.S.; and then repeals s. 379.2211 and s. 379.2212, F.S.

These two amendments will also be offered on the House bill, along with FWC requested amendments that will get the House bill close to being identical to the Senate bill. The House bill is waiting to be heard in the Finance & Tax Council. This council had to postpone one of their meetings this week because of additional time needed on the Floor to pass the budget. It is hoped that FWC's bill will be placed on the Council's Monday agenda.

It was originally announced that the budget negotiations would take place this weekend, April 17-19. The schedule has been changed, however, to begin Monday, April 20. All next week the Conferees from the different budget committees will meet to work out their differences. FWC's Conferees are from the Senate General Government Appropriations Committee and the House Natural Resources Appropriations Committee. Please see Sandy Wilson's attached budget report for more information.

FWC's Legislative Package

CS/HB 1423 by Rep. Troutman/ CS/CS/SB 2536 by Sen. Constantine (SB 2618 by Sen. Constantine) – FWC

CS/HB 1423 and CS/CS/SB 2536 include FWC's legislative issues: Boating Issues - Prohibits vessels from carrying gasoline in unapproved containers and in compartments with unapproved ventilation; creates a 2nd degree misdemeanor penalty for violating the statute; creates an exemption for foreign vessels that are in compliance with federal regulations. Makes the Boating under the Influence blood alcohol threshold for increased penalties, currently at .20 or more, the same as for Driving under the Influence, which is .15 or more. Establishes penalties for seagrass damage in a saltwater aquatic preserve, when carelessly operating a boat: 1st violation, non-criminal infraction (\$50 fine); 2nd violation within 12 months, \$250 fine; 3rd violation within 36 months, \$500 fine; 4th and subsequent violations, \$1000 fine. Creates a pilot program at five locations in Florida (two off of east coast, two off of west coast, one in Monroe County) to test various anchoring/mooring regulations; clarifies local governments' authorities on Florida's waterways; codifies a 2nd District Court of Appeals ruling stating that FWC shall verify that a local ordinance establishing a boating restricted area has been done for boating safety purposes, but also establishes certain types of boating restricted areas that are authorized by law; modifies signage requirements for inland waterways; clarifies vessel registration requirements on Florida's waterways. Modifies Florida's mandatory boating safety education course requirement by establishing a born after date of Jan. 1, 1988 for those who have to pass the course; the effective date for the change is Jan. 1, 2010.

Other Issues - Reduces the time from three years to two years that spiny lobster trap certificates, for which the annual fee of \$1 is not paid, would be considered abandoned and would revert back to the State. Repeals the sunset provision for commercial blue crab license fees and penalties. Repeals the exemption from having to purchase a saltwater fishing license for residents who fish from the shoreline; establishes an exemption for those issued Food Stamp, Temporary Cash Assistance, or Medicaid card; HB 1423 creates a reduced fee shoreline license at \$7.50. Allows alligator trapper agents to work with any alligator trapper, allow alligator farm agents to work with any alligator farmer, and allow alligator agents to possess, process, or sell hides and meat. Clarifies and provides consistency in the confiscation and disposition of evidence in saltwater fish, freshwater fish, and wildlife cases; specifies how evidence shall be photographed and documented in order for the photograph to be used in court in place of the evidence in saltwater fish, freshwater fish, and wildlife cases. Corrects cross-referencing mistakes that were made in combining chapters 370 and 372, Florida Statutes, into Chapter 379, during the 2008 Session. Increases the price for the Save the Manatee specialty license plate from \$20 to \$25. Increases the price for the Conserve Wildlife (bear) specialty license plate from \$15 to \$25. Increases the portion of the original title fee, directed to FWC's non-game program, from \$4 to \$10, for vehicles that were previously registered outside of Florida; the current full fee of \$28 would be increased to \$34. Completes the transfer of the Bureau of Invasive Plant Management from DEP to FWC, by transferring the Invasive Plant Control Trust Fund from DEP to FWC, provides a Type II transfer of the program from DEP to FWC, and establishes within FWC the judicial and administrative remedies for violations of the invasive plant management program that were authorized for DEP.

HB 1423 was referred to the Agriculture & Natural Resources Committee, and the councils on General Government Policy, Finance & Tax, and General Government & Health Care Full Appropriations; it passed out of Agriculture & Natural Resources Policy, and General Government Policy Council, as a Committee Substitute (CS); it is now in Finance & Tax.

SB 2536 was referred to the committees on Environmental Preservation & Conservation, Criminal Justice, Judiciary, and General Government Appropriations; it passed out of Environmental Preservation & Conservation as a CS; the reference to Criminal Justice was dropped from CS/SB 2536; it passed Judiciary as a CS, and is scheduled in General Government Appropriations, April 20.

SB 2618 was referred to the Senate committees on Environmental Preservation & Conservation, Criminal Justice, Judiciary, Finance & Tax, and General Government Appropriations; its issues were amended into SB 2536 and SB 2618 was then temporarily postponed by Environmental Preservation & Conservation, March 24.

CS/SB 1742 by General Government Appropriations/HB 5123 by Natural Resources Appropriations

CS/SB 1742 is a conforming bill to the Senate budget; it repeals the saltwater shoreline exemption and transfers the Invasive Plant Control Trust Fund (IPCTF) to FWC from DEP and provides for a Type II transfer of the invasive plant management

program from DEP to FWC; a conforming bill to the budget means that the issues in the bill are tied to spending in the budget – so if the budget negotiators agree to use these revenues, the conforming bill has to pass too. HB 5123 is a conforming bill to the House budget; it transfers IPCTF to FWC from DEP and provides for a Type II transfer of the invasive plant management program from DEP to FWC. SB 1742 was referred to the Senate committees on General Government Appropriations, Governmental Oversight & Accountability, Ways & Means, and Rules; it passed General Government Appropriations as a Committee Substitute, the references to Governmental Oversight & Accountability; it passed Ways & Means, the full Senate, April 16, and will be part of the budget negotiations. HB 5123 was referred to the Appropriations Council on General Government & Health Care; it passed Appropriations Council on General Government & Health Care, the full House, April 17, and will be part of the budget negotiations,

HB 5121 by Natural Resources Appropriations

HB 5121 is a conforming bill to the budget; among other provisions, it deletes documentary stamps as a funding source for marine mammal care; a conforming bill to the budget means that the issues are tied to the spending in the budget – so if the budget negotiators agree to use these revenues, the conforming bill has to pass too. HB 5121 was referred to the Appropriations Council on General Government & Health Care; it passed Appropriations Council on General Government & Health Care, the full House, April 17, and will be part of the budget negotiations.

Other Bills of Interest to FWC

HB 155 by Rep. Kiar/ CS/SB 306 by Sen. Rich - Personal Watercraft

Revises the requirements for operating personal watercraft (PWC); increases the minimum age for operating a PWC from 14 to 16 years of age; prohibits the owner of, or any person having control of, a PWC from allowing a person who is between 16 and 21 years of age to operate the PWC, if the individual does not have a boater safety identification card; requires persons who provide instruction in the safe handling of PWC to (physically) attend and pass a boating safety education course. HB 155 was referred to the House committees on Agriculture & Natural Resources Policy, Public Safety & Domestic Security Policy, General Government Policy Council, Natural Resources Appropriations, and General Government & Health Care Appropriations Council; it passed out of Agriculture and Natural Resources Policy, Public Safety & Domestic Security Policy, and General Government Policy Council, April 14; it goes next to Natural Resources Appropriations. SB 306 was referred to the Senate committees on Environmental Preservation and Conservation, Commerce, and General Government Appropriations; it passed out of Environmental Preservation and Conservation, Commerce as a Committee Substitute, and General Government Appropriations; it is now on the Calendar, available for 2nd Reading before the full Senate.

CS/HB 271 by Rep. Nehr/ CS/CS/SB 604 by Sen. Fasano – Confidential Informants

Creates the standards set forth in the “Guidelines to be used by Florida State and Local Law Enforcement Agencies in Dealing with Confidential Informants” that was adopted by the Florida Police Chiefs Association, the Florida Sheriffs Association, the State Law Enforcement and Chiefs Association, and the Florida Department of Law Enforcement; names the law, “Rachel’s Law” (based on the death of Rachel Hoffman, a confidential informant to the City of Tallahassee). Requires law enforcement agencies that use informants to: not promise inducements such as immunity, reduced charges, and others; inform the informant that only the appropriate legal authority can approve such inducements; allow the informant to consult with an attorney; trains its staff on proper informant procedures; adopt policies and procedures to ensure safety of all involved is paramount; adopt policies and procedures addressing the recruitment, control and use of informants; adopt policies and procedures addressing the suitability in selecting an informant; establish written security procedures pertaining to informant records; and conduct a periodic review of the agency’s informant practices. Specifies that no right or entitlement is granted to an informant; creates definitions. HB 271 was referred to the House committees on Public Safety & Domestic Security Policy, Criminal & Civil Justice Policy Council, Criminal & Civil Justice Appropriations, and General Government & Health Care Appropriations Council; it passed out of Public Safety & Domestic Security Policy as a Committee Substitute (CS), and Criminal & Civil Justice Policy Council as a CS/CS, and Criminal & Civil Justice Appropriations, April 13; it goes next to General Government & Health Care Appropriations. SB 604 was referred to the Senate committees on Criminal Justice, Judiciary, Criminal & Civic Justice Appropriations; it passed Criminal Justice as a CS, and passed Judiciary as a CS, April 6; it goes next to Criminal & Civil Justice Appropriations.

CS/CS/HB 333 by Rep. Workman/ CS/SB 798 by Sen. Baker – Off-Highway Vehicles

Redefines a “recreational off-highway vehicle” as up to 1200 pounds, up to 60 inches in length, and no restriction on passengers; excludes a golf cart; allows for use on public lands along with all-terrain vehicles (ATV); increases the allowable weight for an ATV for up to 1200 pounds. HB 333 was referred to the House committees on Roads, Bridges & Ports Policy, Economic Development & Community Affairs Policy Council, and Policy Council; it passed Roads, Bridges & Ports Policy as a Committee Substitute (CS) and passed Economic Development & Community Affairs Policy Council as a CS/CS, and Policy Council, April 14; it has been placed on the House Special Order calendar for April 21, to be heard for its 2nd Reading by the full House. SB 798 was referred to the Senate committees on Agriculture, Transportation, and Ways & Means; it passed Agriculture as a CS, and Transportation as a CS/CS; it is scheduled in Ways & Means, April 21.

CS/HB 363 by Rep. Horner/ CS/SB 886 by Sen. Oelrich – Liability of Private Landowners/ Parental Authority to Waive Liability

Authorizes parents/guardians, on behalf of their minor children, to waive and release from liability a service provider in exchange for a child’s participation in a specified activity. This is in response to a recent Florida Supreme Court case (Kirton v. Fields)

ruling that stated, absent specific authorization from the Legislature, a parent does not have the authority to release a service provider from liability when an injury to a child occurs. CS/SB 886 also does not waive liability if negligence or intentional conduct results in injury to the minor, and waives liability for motorsport events when guardians sign a release for minors who are participants in the event, not including spectators (this latter provision was the subject of SB 2268). HB 363 was referred to the House committees on Insurance, Business & Financial Affairs Policy, Civil Justice & Courts Policy, and General Government Policy Council; it passed out of Insurance, Business & Financial Affairs Policy, and Civil Justice & Courts Policy as a Committee Substitute (CS); the reference to General Government Policy Council was dropped; it is now on the Calendar, on 2nd Reading, waiting for action on the Floor. SB 886 was referred to the Senate committees on Judiciary, Children, Families & Elder Affairs, and Rules; it passed Judiciary as a CS, combined with SB 2268 (waiving liability in motorsport events), and is under reference review.

CS/HB 451 by Rep. Randolph/ CS/SB 2706 by Sen. Rich – Animal Control
CS/SB 992 by Sen. Rich/HB 1337 by Rep. Skidmore – Sterilization of Dogs and Cats

CS/HB 451 authorizes a local government to collect penalty fees for violating animal control or cruelty ordinances; requires the fee to be used primarily for spaying and neutering. SB 2706 requires a local government that enacts an animal control or cruelty ordinance to collect a \$5 civil penalty for each violation of the ordinance; the proceeds are to be used for spaying and neutering. HB 1337 modifies the sterilization requirement of dogs and cats released from animal control agencies, animal shelters, or animal adoption groups if a veterinarian certifies that the procedure would likely cause death or would aggravate an existing condition; repeals provisions pertaining to written sterilization agreements between animal shelters and new owners, including the penalties for violating the agreements. CS/SB 992 modifies the sterilization requirement of dogs and cats released from animal control agencies, the humane society, and animal rescue groups to include animal adoption organizations, if a veterinarian certifies that the procedure would likely cause death or would aggravate an existing condition; defines “animal adoption organization” and prohibits them from using public funds for sterilization; extends the timeframe in the written sterilization agreement from 30 days to 60 days that the new owner has to sterilize the dog or cat; retains the penalties for violation of the agreement. HB 451 was referred to the House committees on Agriculture & Natural Resources Policy, Military & Local Affairs Policy, Public Safety & Domestic Security Policy, and General Government Policy; it passed out of Agriculture & Natural Resources Policy, as a Committee Substitute (CS), March 24; it goes next to Military & Local Affairs Policy. CS/SB 2706 was referred to the Senate committees on Community Affairs and Judiciary. CS/SB 992 was referred to the Senate committees on Community Affairs and Judiciary; it was passed in Community Affairs as a Committee Substitute (CS), March 10; it is now in Judiciary. HB 1337 was referred to the committees on Agriculture & Natural Resources Policy, Military & Local Affairs Policy, General Government Policy Council, and Policy Council.

CS/CS/HB 479 by Rep. Schenck/ CS/CS/SB 1182 by Sen. Fasano – Florida Retirement System

Among other provisions, CS/CS/HB 479 prohibits re-employment of a Florida Retirement System (FRS) retiree in the first 12 months after retirement and prohibits, from month 12 through 24, the reemployed person from receiving both a salary and a retirement benefit. Neither bill prohibits reemployment after retirement but, effective January 1, 2010, a person who is re-employed is prohibited from receiving both a salary and retirement benefit. Both bills prohibit retirees' reenrollment in the FRS, i.e. reemployed retirees would no longer earn a second retirement benefit.

CS/CS/SB 1182 also requires agencies to continue to pay the unfunded liability portion of retirement contributions for the position. CS/HB 479 was referred to the committees on Governmental Affairs Policy, Economic Development & Community Affairs Policy Council, General Government Appropriations Committee, and full Appropriations Council on General Government & Health Care; it was passed by the Governmental Affairs Policy as a CS, the reference to Full Appropriations Council on General Government & Health Care was dropped, and passed Economic Development & Community Affairs Policy Council as a CS/CS; it is now on the Special Order Calendar, on 2nd Reading, for April 21. SB 1182 was referred to the Senate committees on Community Affairs, Ethics & Elections, Governmental Oversight & Accountability, and Ways & Means; it passed out of Community Affairs, and Ethics & Elections as a CS; it failed passage in Governmental Oversight & Accountability, April 16, but is being reconsidered, April 21.

SB 594 by Sen. Aronberg/HB 1421 by Rep. Bembry; SB 1972 by Sen. Storms – Transparency in Government Spending/Government Spending Provided on Web; CS/CS/HB 971 by Rep. Hukill/ CS/CS/SB 1796 by Sen. Alexander – Transparency Florida Act

These five bills are similar in intent to provide the public access to Florida government spending by posting all expenditures on a searchable website. SB 594 and HB 1421 are linked, naming the legislation the "Taxpayer Transparency Act"; they require the Governor's budget office to establish a website that allows the public to view the State's budget and expenditures; they require the website to allow for searchable categories including, but not limited to state agency funding and expenditures, budget and expenditure information of funding recipients, and performance measures and audits tied to state funding; State agencies are required to provide the information to the Governor's budget office. SB 1972 names the legislation the "Track Your Taxes – the Florida budget Openness Act"; it requires the Department of Financial Services (DFS) to establish a website that allows the public to view not only all Florida Government expenditures, but also those of regional and local governments, special districts, school districts, and any associated boards; the searchable categories include, but are not limited to, all disbursements, salaries and wages, contractual services, capital outlay, aid to local governments, etc.; all expenditures are to include the recipient's name, date, amount, and purpose; all contracts are to be linked; all revenues for each governmental entity are to be posted including, but not limited to, receipts or deposits, taxes, licenses and permits, leases, grants, etc.; the revenues are to list the name of the payor, date, amount, and purpose; all bond indebtedness information is to be posted; a counter to show the number of times the website has been accessed is required; each government entity

is required to provide the information to DFS; governmental entities under 10,000 are exempt from the website; the Legislature's Office of Program Policy analysis and Government Accountability is required to prepare an annual report for the Governor and Legislature on the progress and recommendation for improvement, beginning in 2011. SB 594 was referred to the Senate committees on Governmental Oversight & Accountability, General Government Appropriations, and Ways & Means; a workshop was held in Governmental Oversight & Accountability, March 5. HB 1421 was referred to Government Accountability Act Council, Governmental Affairs Policy Committee, Economic Development & Community Affairs Policy Council, and General Government & Health Care Appropriations Council. SB 1972 was referred to the committees on Community Affairs, Governmental Oversight & Accountability, Finance & Tax, and Ways & Means.

CS/CS/HB 971 and CS/CS/SB 1796 are named the "Transparency Florida Act"; they require the Governor in consultation with the House and Senate to establish a website to provide information for each governmental entity, defined as any state, regional or local government of the executive, judicial, or legislative branches; the Joint Legislative Auditing Committee will oversee the website; the website shall provide payment information on expenditures by object code for each line item appropriation, all appropriations including budget amendments and the status of the spending associated with them, and position and rate information for positions authorized in the budget, trust fund balance reports, General Revenue balance reports, fixed capital outlay project information, a 10-year history of legislative appropriations, and other information recommended by the Joint Legislative Auditing Committee; this same information will be required for schools, community colleges, state universities, and other governmental entities receiving state appropriations; it requires a March 2010 report to be submitted to the Governor and Legislature on a plan to provide access for expenditures, revenues, and bond indebtedness for all other governmental entities; governmental entities under 10,000 are exempt; a counter to show the number of times the website has been accessed is required; an annual report of the detailing the progress in implementing the website is required beginning November 2011; requires information for the website to be currently available, to have links to state audits or reports related to expenditures and links to program/activity descriptions for which funds may be expended; it also require, by Aug. 31 of each year, each state entity to establish allotments for planned expenditures of appropriations. HB 971 was referred to the House committees on Government Accountability Act Council, Governmental Affairs Policy, Economic Development & Community Affairs Policy Council, and General Government & Health Care Appropriations Council; it passed out of Government Accountability Act Council as a Committee Substitute (CS), was referred to the Economic Development & Community Affairs Policy Council, and passed this Council as a CS/CS, April 14. CS/CS/SB 1796 was referred to the committees on Ways & Means, Governmental Oversight & Accountability, and Rules; it passed out of Ways & Means as a CS, the Rules Committee reference was dropped, passed out of Governmental Oversight & Accountability as a CS, passed the full Senate, April 16, and is now in messages to the House.

SB 692, Exposed Lake Beds – by Sen. Lynn

Prohibits the operation of motor vehicles on lake beds located on public lands or accessible to the public; requires FWC to enforce the prohibition. SB 692 was referred to the Senate committees on Environmental Preservation & Conservation, and General Government Appropriations.

CS/HB 1065 by Rep. Plakon/SB 1864 by Sen. Baker – Aircraft Safety

Exempts airports from penalties, restrictions, liabilities, or sanctions with respect to authorized actions taken to protect human life or aircraft from wildlife hazards; defines authorized actions as those specified in the airport's wildlife hazard management plan that is approved by the Federal Aviation Administration, a depredation permit or standing order of the U.S. Fish and Wildlife Service, an authorization in FWC rules 68A-9.010(4) or 68A-27.002, or an FWC permit authorizing the harassment of wildlife; defines "airport" as per statute. HB 1065 was referred to Roads, Bridges & Ports Policy Committee and the Economic Development & Community Affairs Policy Council; it passed Roads, Bridges & Ports Policy as Committee Substitute (CS), and Economic Development & Community Affairs Policy Council, April 1; it is now on the Calendar, on 2nd Reading, waiting for Floor action. SB 1864 was referred to the Senate committees on Transportation, Community Affairs, Judiciary, and General Government Appropriations; it passed out of Transportation, Community Affairs, and is scheduled in Judiciary, April 21.

HB 1249 by Reps Soto and Jenne / CS/SB 2002 by Sen. Constantine – Commercial Dog Breeding

Prohibits anyone from owning, possessing, controlling, or have custody of more than 50 dogs that are capable of breeding and that are 4 months old or older; requires anyone owning, possessing, controlling, or having custody of 10 dogs or more that are 4 months old or older to adhere to specified requirements pertaining to enclosures, exercise, housing and kennels, sanitation, food and water, and veterinary services; health services, breeding, surgical procedures, and euthanasia, which may only be provided by a veterinarian; investigation procedures are authorized for animal control officers, health officers, and law enforcement; exclusions are provided for animal control shelters, not-for-profit adoption or rescue facilities, veterinary facilities, retail pet stores, research facilities, or boarding facilities; provides a first degree misdemeanor for violating the provisions of the bill. CS/SB 2002 prohibits anyone from owning, possessing, controlling, or have custody of more than 50 dogs that are capable of breeding, that are 4 months old or older, and that are intended for breeding and selling the offspring as household pets; requires anyone owning, possessing, controlling, or having custody of 20 dogs or more that are 4 months old or older to adhere to specified requirements pertaining to housing/shelter, exercise, bathing, temperature control, flooring, stacking of kennel crates, compatibility of dogs including those that are aggressive, breeding, or young, feeding, and veterinary services; provides a 1st degree misdemeanor for violating the provisions of the bill. HB 1249 was referred to the committees on Agriculture & Natural Resources Policy, Military & Local Affairs Policy, Public Safety & Domestic Security Policy, and the General Government Policy Council. SB 2002 was referred to the committees on Community Affairs, Agriculture, and General Government Appropriations; it passed Community Affairs as a CS, April 14, and goes next to Agriculture.

CS/CS/HB 1271 by Rep. Frishe/ CS/CS/SB 2150 by Sen. Bennett – Voluntary Contributions for Southeastern Guide Dogs

Requires anyone purchasing a recreational hunting or fishing license to be offered the opportunity to make a voluntary \$2 donation to the Southeastern Guide Dogs, Inc.; the funds are to be used to breed, raise, and train guide dogs for the company's "Paws to Patriots" program; FWC is authorized to retain \$.90 of each donation to cover costs associated with administering the donation. HB 1271 was referred to Agriculture & Natural Resources Policy Committee, General Government Policy Council, Natural Resources Appropriations Committee, and Full Appropriations Council on General Government & Health Care; it passed out of Agriculture & Natural Resources Policy as a Committee Substitute (CS), General Government Policy Council, and Natural Resources Appropriations as a CS/CS. SB 2150 was referred to the Senate committees on Environmental Preservation & Conservation, and General Government Appropriations; it passed Environmental Preservation & Conservation as a CS, and General Government Appropriations as a CS/CS, April 15.

CS/HB 1355 by Rep. Mayfield/SB 2636 by Sen. Dean – Land Management

Both bills require the Legislature's Office of Program Policy analysis and Government Accountability (OPPAGA) to conduct a study on the most efficient means of combining the land management activities of the DEP, Department of Agriculture and Consumer Services, and FWC; law enforcement and land acquisition responsibilities are to be considered as well; OPPAGA is to submit a report to the House Speaker and Senate President by December 1, 2009. Both bills require DEP, in consultation with FWC and the Department of Agriculture and Consumer Services, to award a five-year public-private conservation land management pilot project by December 31, 2009; the pilot project is to determine how a contractor accounts for costs, activities, achievements, and innovative development and implementation of land management plans; the contractor will be responsible for all land management except law enforcement; CS/HB 1355 outlines other land management exceptions for the contractor to include wildfire suppression, derelict vessel removal, manatee surveys, water sampling surveys, and other regulatory activities not specifically related to the management of State conservation lands; the land management plan must be approved by ARC; a plan for expenditure of funds must be approved by the LBC before payments are made to the contractor; a Forest Stewardship Council third-party auditor shall review the effectiveness of the pilot project and submit a report to the Governor, Legislature, ARC, and the LBC; in SB 2636, the pilot will consist of 200,000 acres proportionally distributed across State forests, wildlife management areas, and state park lands not managed for recreation, submerged lands, and lands formerly managed as coastal buffer preserves; in CS/HB 1355, the pilot will consist of the non-submerged lands within Andrews Wildlife Management Area, Big Bend Wildlife Management Area, Cedar Key Scrub State Reserve, Waccasassa Bay Preserve State Park, Ross Prairie State Forest, Indian Lake State Forest, and Goethe State Forest; both bills specify a \$4.5 million annual cap on the project. HB 1355 was referred to Government Accountability Act Council, Agriculture & Natural Resources Policy Committee, General Government Policy Council, and Natural Resources Appropriations Committee; it was passed out of the Government Accountability Act Council as a Committee Substitute (CS), March 17; CS/HB 1355

was referred to the General Government Policy Council and the Natural Resources Appropriations Committee; it is scheduled in General Government Policy, April 20. SB 2636 was referred to the committees on Environmental Preservation & Conservation, Governmental Oversight & Accountability, and General Government Appropriations; it passed Environmental Preservation & Conservation as a CS, and was not considered by Governmental Oversight & Accountability, April 16.

CS/SB 2244 by Sen. Altman/PCB FTC 09-02 by House Finance & Tax Council – Implementation of Amendment #4, Ad Valorem Tax Exemptions for Conservation Lands

CS/SB 2244 exempts lands dedicated in perpetuity for conservation purposes from ad valorem taxation; specifies allowable criteria for those conservation lands including the conservation of native wildlife habitat; requires documentation, enforceability, and irrevocability; income producing activity is allowable; provides criteria for lands less than 40 acres to qualify; requires the Dept. of Revenue to adopt rules providing for the administration of the exemption. Provides for a reduced ad valorem assessment for conservation lands held in less than perpetuity; defines “lands used for conservation purposes”, among other definitions, that includes environmentally endangered lands, those designated in a local government’s comprehensive plan, those with a conservation management plan filed with FWC or a water management district, among others; requires the conservation management plan to be filed with the property appraiser; FWC and the Dept. of Environmental Protection are required to develop a guidance document establishing the form and content of a conservation management plan; a minimum of 10 years is required for the lands to be held in conservation to qualify for a reduced assessment based on use; requires landowners to report a change in use; provides administrative penalties for violating the provisions of the exemption; authorizes the State to make payments in lieu of taxes to fiscally constrained counties. PCB FTC 09-02 exempts lands dedicated in perpetuity for conservation purposes from ad valorem taxation, however, if there are income producing activities on the property, the assessment is authorized at 50% of the property’s assessed value; does not allow for acreage less than 40 acres to qualify for a reduced assessment, unless the Board of Conservation determines that the lands meets clearly delineated state environmental policy and yields significant public value; the newly created Board of Conservation is made up of gubernatorial appointees from three local governments and two conservation organizations, and one representative each from FWC, DEP, Dept. of Agriculture, and Dept. of Community Affairs; provides administrative penalties for violating the provisions of the exemption. SB 2244 was referred to the committees on Community Affairs, Agriculture, Environmental Preservation & Conservation, Finance & Tax, and Ways & Means; it passed Community Affairs as a Committee Substitute (CS), Agriculture, and Environmental Preservation & Conservation as a CS, April 14; it goes next to Finance & Tax. The House Finance & Tax Council discussed a proposed council bill (PCB), April 7; it was scheduled on the April 16 agenda, but the Council postponed its meeting until April 20.