

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 663 State Forests

SPONSOR(S): Steube

TIED BILLS: None **IDEN./SIM. BILLS:** SB 850

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	15 Y, 0 N	Maurer	Blalock
2) Rulemaking & Regulation Subcommittee	13 Y, 0 N	Miller	Rubottom
3) Agriculture & Natural Resources Appropriations Subcommittee		Lolley	Massengale
4) State Affairs Committee			

SUMMARY ANALYSIS

The Division of Forestry (division) of the Department of Agriculture and Consumer Services (DACS) manages and administers all state forests in the interests of the public. The division is authorized to direct multiple-use management of forest lands owned by the state. The bill directs the Division of Forestry (division) to designate areas of state forests as "Wounded Warrior Special Hunt Areas" to honor veterans and provide outdoor recreational opportunities for eligible veterans. Admittance to these designated areas is limited to particular veterans and persons accompanying eligible veterans who require that person's assistance to use the area.

The bill authorizes the division to receive, administer, and expend funds for special accommodations for Wounded Warrior Special Hunt Areas from private sources including, but not limited to, Friends of Florida State Forests, Inc. The division is granted general rulemaking authority to administer this subsection.

It may be necessary for DACS to expend an indeterminate amount of funds for special accommodations and maintenance of the special hunt areas provided for in the bill if costs exceed the amount of any donations the division receives.

The bill provides specific guidance concerning the veterans and assisting persons eligible for admission to such areas, does not define "special outdoor recreational opportunities," and is unclear on whether the division is authorized to incur additional expense to provide specialized accommodations for use of the designated areas.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Division of Forestry (division) of the Department of Agriculture and Consumer Services (DACS) manages and administers all state forests in the interests of the public.¹ The division is authorized to direct multiple-use management of forest lands owned by the state. Such use includes, but is not limited to, water-resource protection, forest-ecosystems protection, natural-resource-based low-impact recreation, and sustainable timber management for forest products.² Furthermore, the division cooperates with federal, state, and local government agencies, non-profit organizations, and other persons to apply for, solicit, and receive grants and funds from those agencies, organizations, firms and individuals.³

There are 35 state forests in Florida, totaling more than 1,052,000 acres.⁴ Under the direction of the Fish and Wildlife Conservation Commission, many state forests are open to regulated hunting and fishing.⁵ Hunting requires a license and permit and is allowed only in designated Wildlife Management Areas (WMAs) during specific seasons.⁶ Fishing also requires a valid license.⁷

Non-profit organizations such as Wounded Warrior Outdoors, Inc.⁸ and Wounded Warriors In Action⁹ provide wounded servicemen and servicewomen with opportunities for outdoor recreational activities. In the past, such activities have included hunting and fishing excursions in various parts of the country. The organizations assert that such activities are therapeutic and an important part of physical and mental recovery.

Currently, the division provides a hunting area in Lake Wales Ridge State Forest for a nearby “Wounded Warrior” organization. The hunts typically last for a weekend or several days and include special accommodations as needed by the wounded warriors, such as turkey blinds with space for operation of a motorized wheelchair.

Effect of Bill

HB 663 amends s. 589.19, F.S., to require the division to designate one or more areas of state forests as a “Wounded Warrior Special Hunt Area” to provide special outdoor recreational opportunities for eligible veterans. Having multiple “Wounded Warrior Special Hunt Areas” throughout the state would make these areas more accessible to more eligible veterans.

Admittance to these designated areas is limited to veterans who served during a period of wartime service as defined in s. 1.01(14), F.S., or peacetime service as defined in s. 296.02, F.S., and who have a service-connected disability as determined by the U.S. Department of Veterans Affairs or were discharged or released from military service because of a disability acquired or aggravated while serving on active duty. A person who is not an eligible veteran but accompanies an eligible veteran who requires that person’s assistance to use the designated area may also be granted admittance.

¹ s. 589.21, F.S.

² s. 589.04(4), F.S.

³ s. 589.04(1)(B), F.S.

⁴ *State Forests in Florida*, DIVISION OF FORESTRY, http://www.fl-dof.com/state_forests/#history (last visited Feb. 25, 2011).

⁵ *State Forest Recreation*, DIVISION OF FORESTRY, http://www.fl-dof.com/forest_recreation/index.html (last visited Feb. 25, 2011).

⁶ *Id.*

⁷ *Id.*

⁸ ABOUT WWO INC., <http://www.woundedwarrioroutdoors.com/about.html> (last visited Feb. 25, 2011).

⁹ ABOUT WWIA, <http://www.woundedwarriorsinaction.org/about.html> (last visited Feb. 25, 2011).

The bill refers to “special outdoor recreational opportunities” without additional definition. Activities currently conducted in other areas of state forest lands, for which the division charges a fee, include camping, hunting, fishing, off-road vehicle use, and hiking.¹⁰ The bill will provide flexibility sufficient for the division to offer programs in addition to opportunities for hunting.

The bill authorizes the division to receive, administer, and expend any gift, grant, or donation to fund specialized accommodations for the designated areas from any private source. These funds could be used for construction of permanent facilities that are compliant with the Americans with Disabilities Act of 1990. Private sources include, but are not limited to Friends of Florida State Forests, Inc.

The division presently has general authority to adopt rules necessary for the protection, utilization, occupancy, and development of the state forest land it manages¹¹ and more narrow authority pertaining to forest management.¹² The grant of additional rulemaking authority enables the division to adopt rules furthering the legislative intent in the bill.

B. SECTION DIRECTORY:

Section 1: Amends s. 589.19, F.S., directing the Division of Forestry to designate “Wounded Warrior Special Hunt Areas”; limiting admittance to veterans with certain service-connected disabilities and persons accompanying them for assistance; authorizing receipt of funds from private sources; granting division rulemaking authority for administration.

Section 2: Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None. The division presently charges different recreational use fees in state forest lands. According to the division, the areas contemplated for this designation currently are closed to public use and therefore produce no recreational use fee revenue.

2. Expenditures:

According to DACS’s analysis, this bill will have no fiscal impact on the department; however, it may be necessary for DACS to expend an indeterminate amount of funds for special accommodations and maintenance of the special hunt areas provided for in the bill if costs exceed the amount of any donations the division receives. The division states it currently incurs no expense for the hunting program conducted on in the Lake Wales Ridge State Forest.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

¹⁰ Division of Forestry web site at http://www.fl-dof.com/forest_recreation/fees.html.

¹¹ s. 589.011(4), F.S.

¹² s. 589.12, F.S.

None.

D. FISCAL COMMENTS:

This bill does not change any of the permitting or licensing requirements for hunting or fishing. As such, all associated fees would be paid as currently required.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The division presently has general authority to adopt rules necessary for the protection, utilization, occupancy, and development of the state forest land it manages¹³ and more narrow authority pertaining to forest management.¹⁴ The grant of additional rulemaking authority enables the division to adopt rules furthering the legislative intent in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill language vests broad authority for administering "Wounded Warrior Special Hunt Area" in the division, under DACS. No provisions exist to clarify whether the limitations on admittance to these sites apply only during specific hunting seasons or year-round.

It is unclear in the bill whether the state forest areas designated as Wounded Warrior Special Hunt Areas must be designated by the Division of Forestry on state forests that are managed by DACS, or if they may be established on any state forests. Other agencies, including the Florida Fish and Wildlife Conservation Commission, are lead managers on lands within state forest boundaries. If activities allowed by the bill are established on a Commission managed WMA, then the WMA regulation will apply, if activities are on a non-Commission managed area, then the general statewide hunting regulations will apply.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

¹³ S. 589.011(4), F.S.

¹⁴ S. 589.12, F.S.