

By the Committee on Legislative and Commissioner Henderson

A proposal to revise

ARTICLE IV, s. 9, Fla. Const.; creating the Fish and Wildlife Conservation Commission to be composed initially of the existing members of the Game and Fresh Water Fish Commission and the Marine Fisheries Commission and providing for the powers and duties of the commission.

It is proposed by the Florida Constitution Revision Commission that:

Section 1. Section 9 of Article IV of the Florida Constitution is revised by amending that section to read:

ARTICLE IV

EXECUTIVE

SECTION 9. Fish and wildlife conservation Game and
~~fresh water fish commission.--There shall be a fish and~~
~~wildlife conservation game and fresh water fish commission,~~
composed of seven ~~five~~ members appointed by the governor
subject to confirmation by the senate for staggered terms of five years. The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life, and ~~fresh water aquatic life, and marine life,~~ except that all license fees for taking wild animal life, and ~~fresh water aquatic life, and marine life,~~ and penalties for violating regulations of the commission shall be prescribed by general law specific statute. The commission shall establish
procedures to assure adequate due process in the exercise of
its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section; provided however, that there shall be no special

1 law or general law of local application pertaining to hunting
2 or fishing. The commission's exercise of executive powers in
3 the area of planning, budgeting, personnel management, and
4 purchasing shall be as provided by law. Revenue derived from
5 such license fees shall be appropriated to the commission by
6 the legislature for the purpose of management, protection, and
7 conservation of wild animal life, and fresh water aquatic
8 life, and marine life. The commission shall not be a subunit
9 of any other state agency and shall have its own staff, which
10 includes management, research, and enforcement. The commission
11 shall have no authority to regulate matters relating to air
12 and water pollution and to excessive and unnecessary noise. It
13 is the intent of this provision to avoid duplicative
14 regulation and agency action.

15 Section 2. Section 22 is added to Article XII of the
16 Florida Constitution to read:

ARTICLE XII

SCHEDULE

SECTION 22. Fish and wildlife conservation commission.--

(a) The initial members of the commission shall be the members of the game and fresh water fish commission and the Marine Fisheries Commission who are serving on either of those commissions on the effective date of this amendment, who may serve the remainder of their respective terms. New appointments to the fish and wildlife conservation commission shall not be made until retirement, resignation, removal, or expiration of current terms of the members of the game and fresh water fish commission and the marine fisheries commission so that only seven members of the fish and wildlife

1 conservation commission remain and, in that event, the
2 governor shall appoint members of the commission as the terms
3 of the remaining seven members expire or otherwise become
4 vacant.

5 (b) After the effective date of this amendment, the
6 authority of the marine fisheries commission shall be
7 transferred to the fish and wildlife conservation commission.
8 All provisions of law relating to the marine fisheries
9 commission and game and freshwater fish commission shall
10 remain in force and effect on the effective date of this
11 article until superseded or amended by the fish and wildlife
12 conservation commission.

13 (c) On the effective date of this amendment, the
14 marine fisheries commission and game and freshwater fish
15 commission shall be abolished.

16 (d) This amendment shall take effect July 1, 1999.

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