

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
(A Component Unit of the State of Florida)
TALLAHASSEE, FLORIDA

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**FINANCIAL STATEMENTS AND
SUPPLEMENTARY INFORMATION**
JUNE 30, 2020 AND 2019

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LANIGAN & ASSOCIATES, P.C.
CERTIFIED PUBLIC ACCOUNTANTS
MANAGEMENT CONSULTANTS

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
Fish & Wildlife Foundation of Florida, Inc.
Tallahassee, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of Fish & Wildlife Foundation of Florida, Inc. (a not-for-profit corporation and component unit of the State of Florida), which comprise the statements of financial position as of June 30, 2020 and 2019, and the related statements of activities, functional expenses, and cash flows for the years then ended and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Fish & Wildlife Foundation of Florida, Inc. as of June 30, 2020 and 2019, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Our audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The accompanying schedule of expenditures of state financial assistance is presented for purposes of additional analysis as required by Chapter 10.650, *Rules of the Auditor General*, and is not a required part of the financial statements. The schedule of expenditures of state financial assistance is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of state financial assistance is fairly stated, in all material respects, in relation to the financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated September 11, 2020, on our consideration of Fish & Wildlife Foundation of Florida, Inc.'s, internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Fish & Wildlife Foundation of Florida's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Fish & Wildlife Foundation of Florida, Inc. internal control over financial reporting and compliance.

Lanigan & Associates, PC

Tallahassee, Florida
September 11, 2020

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
STATEMENTS OF FINANCIAL POSITION
AS OF JUNE 30, 2020 AND 2019

	2020	2019
<i>ASSETS</i>		
Current assets		
Cash and cash equivalents	\$ 5,955,523	\$ 5,519,721
Grants receivable	135,423	172,316
Accounts receivable	234,796	138,004
Pledge receivable, net	694,625	-
Prepaid expenses	23,003	26,890
Total current assets	7,043,370	5,856,931
Investments		
Securities and other negotiable instruments	27,818,375	22,948,401
Capital assets		
Capital assets, net of accumulated depreciation	151,787	8,114
Other assets		
	25,268	26,000
Total assets	\$ 35,038,800	\$ 28,839,446
<i>LIABILITIES AND NET POSITION</i>		
Current liabilities		
Accounts payable and accrued expenses	\$ 579,568	\$ 464,136
Net assets		
With donor restrictions	32,540,326	26,956,330
Without donor restrictions	1,918,906	1,418,980
Total net assets	34,459,232	28,375,310
Total liabilities and net assets	\$ 35,038,800	\$ 28,839,446

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
STATEMENTS OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2020

	Without Donor Restrictions	With Donor Restrictions	2020
Operating revenues			
Imperiled species	\$ -	\$ 4,446,882	\$ 4,446,882
Contributions and donations	380,769	1,554,500	1,935,269
Program service revenue	-	2,933,031	2,933,031
License plate revenue	-	1,036,510	1,036,510
Other program related revenue	2,914	249,263	252,177
Net assets released from restrictions	6,758,531	(6,758,531)	-
Total operating revenues	7,142,214	3,461,655	10,603,869
Operating expenses			
Program	6,023,110	-	6,023,110
Administrative and office	569,719	-	569,719
Fundraising	94,839	-	94,839
Total operating expenses	6,687,668	-	6,687,668
Change in net assets from operating activities	454,546	3,461,655	3,916,201
Non-operating income (expense)			
Investment return, net of investment fees	45,380	2,227,716	2,273,096
Unamortized discount on pledge receivable	-	(105,375)	(105,375)
Change in net assets from non-operating activities	45,380	2,122,341	2,167,721
Change in net assets	499,926	5,583,996	6,083,922
Net assets, beginning of year	1,418,980	26,956,330	28,375,310
Net assets, end of year	\$ 1,918,906	\$ 32,540,326	\$ 34,459,232

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
STATEMENTS OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2019

	Without Donor Restrictions	With Donor Restrictions	2019
Operating revenues			
Imperiled species	\$ -	\$ 3,899,864	\$ 3,899,864
Contributions and donations	450,717	1,031,683	1,482,400
Program service revenue	-	2,902,189	2,902,189
License plate revenue	-	1,004,469	1,004,469
Other program related revenue	3,980	266,995	270,975
Net assets released from restrictions	5,758,170	(5,758,170)	-
Total operating revenues	6,212,867	3,347,030	9,559,897
Operating expenses			
Program	5,499,257	-	5,499,257
Administrative and office	370,845	-	370,845
Fundraising	152,149	-	152,149
Total operating expenses	6,022,251	-	6,022,251
Change in net assets from operating activities	190,616	3,347,030	3,537,646
Non-operating income (expense)			
Investment return, net of investment fees	25,817	1,206,135	1,231,952
Unamortized discount on pledge receivable	-	-	-
Change in net assets from non-operating activities	25,817	1,206,135	1,231,952
Change in net assets	216,433	4,553,165	4,769,598
Net assets, beginning of year	1,202,547	22,403,165	23,605,712
Net assets, end of year	\$ 1,418,980	\$ 26,956,330	\$ 28,375,310

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
STATEMENTS OF FUNCTIONAL EXPENSES
FOR THE YEAR ENDED JUNE 30, 2020

	Program	Administrative and Office	Fundraising	2020 Total
Expenses				
Cash award and grants	\$ 4,953,066	\$ 1,279	\$ -	\$ 4,954,345
Salaries and wages	247,955	308,122	-	556,077
Outside contract services	398,575	2,122	-	400,697
Employee benefits	58,117	63,812	-	121,929
Payments in accordance with trust & fund agreements	119,613	-	-	119,613
Fundraising	-	-	94,839	94,839
Accounting and legal services	38,274	31,400	-	69,674
Merchant account fees	50,507	1,803	-	52,310
Advertising expenses	29,347	20,701	-	50,048
Payroll taxes	883	37,355	-	38,238
Occupancy - donated	16,130	21,382	-	37,512
Occupancy	27,531	517	-	28,048
Meeting expense	12,002	11,708	-	23,710
Miscellaneous expenses	-	22,630	-	22,630
Depreciation expense	19,453	2,964	-	22,417
Travel	1,904	17,993	-	19,897
Equipment	18,392	-	-	18,392
Supplies	11,332	4,916	-	16,248
Software licenses	4,053	9,528	-	13,581
Insurance	5,071	5,619	-	10,690
Web site fees	8,152	1,079	-	9,231
Telephone and telecommunications	2,415	185	-	2,600
Business registration fees	103	2,362	-	2,465
Postage	235	1,033	-	1,268
Printing and copying	-	1,209	-	1,209
Total expenses	\$ 6,023,110	\$ 569,719	\$ 94,839	\$ 6,687,668

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
STATEMENTS OF FUNCTIONAL EXPENSES
FOR THE YEAR ENDED JUNE 30, 2019

	Program	Administrative and Office	Fundraising	2019 Total
Expenses				
Cash awards and grants	\$ 4,239,170	\$ -	\$ -	\$ 4,239,170
Salaries and wages	295,573	185,310	-	480,883
Outside contract services	471,467	-	-	471,467
Employee benefits	84,628	54,106	-	138,734
Payments in accordance with trust & fund agreements	158,776	-	-	158,776
Fundraising	-	-	152,149	152,149
Accounting and legal expense	60,795	27,226	-	88,021
Merchant account fees	44,845	6,968	-	51,813
Advertising expenses	31,240	28,331	-	59,571
Payroll taxes	20,617	13,181	-	33,798
Occupancy - donated	22,882	14,630	-	37,512
Occupancy	1,475	955	-	2,430
Meeting expense	11,780	11,286	-	23,066
Miscellaneous expenses	18,407	4,613	-	23,020
Depreciation expense	1,914	-	-	1,914
Travel	16,038	7,945	-	23,983
Equipment	339	-	-	339
Supplies	2,428	2,962	-	5,390
Software Licenses	1,394	5,268	-	6,662
Insurance	6,185	3,954	-	10,139
Web site fees	7,685	495	-	8,180
Telephone and telecommunications	1,423	-	-	1,423
Business registration fees	196	2,427	-	2,623
Postage	-	734	-	734
Printing and copying	-	454	-	454
Total expenses	\$ 5,499,257	\$ 370,845	\$ 152,149	\$ 6,022,251

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED JUNE 30, 2020 AND 2019

	<u>2020</u>	<u>2019</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Operating income	\$ 3,916,201	\$ 3,537,646
Adjustments to reconcile operating income to net cash provided by operating activities		
Depreciation and amortization	22,417	1,914
(Increase) decrease in accounts receivable	(59,899)	50,267
(Increase) decrease in pledge receivable	(800,000)	-
(Increase) decrease in prepaid expenses	3,887	(1,780)
(Increase) decrease in other assets	732	39,000
Increase (decrease) in accounts payable and accrued expenses	115,432	(43,897)
Increase (decrease) in deferred revenue	-	(4,518)
Net cash provided by operating activities	<u>\$ 3,198,770</u>	<u>\$ 3,578,632</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Purchase of property and equipment	(166,090)	-
Purchase of investments	(18,121,171)	(9,525,649)
Proceeds from sale of investments	15,107,756	5,407,491
Interest and dividend income	416,537	449,033
Net cash (used in) investing activities	<u>(2,762,968)</u>	<u>(3,669,125)</u>
Net increase (decrease) in cash and cash equivalents	435,802	(90,493)
Cash and cash equivalents and beginning of year	<u>5,519,721</u>	<u>5,610,214</u>
Cash and cash equivalents at end of year	<u><u>\$ 5,955,523</u></u>	<u><u>\$ 5,519,721</u></u>

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2020 AND 2019

NOTE 1: <i>Summary of Significant Accounting Policies</i>
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Organization

Fish & Wildlife Foundation of Florida, Inc. (the Foundation) was formed on September 29, 1994, as a not-for-profit organization to provide assistance, funding and promotional support to contribute to the health and well-being for Florida's fish and wildlife resources and their habitats. The Foundation is a citizen-support organization of the Florida Fish and Wildlife Conservation Commission created pursuant to Section 379.223, *Florida Statutes*.

The Foundation also acts as a fiduciary for certain mitigation properties to provide funding for the maintenance and land stewardship of projects established by restricted fund agreements entered into by various grantors with the Fish & Wildlife Foundation of Florida, Inc. for protection of natural resources. These project accounts receive funds from outside sources, to be held and managed until such time as the outside source requests the funds to perform its specified function. The Foundation receives fees for maintaining and managing the funds it holds for others.

Reporting Entity

In evaluating how to define the Foundation for financial reporting purposes, management has considered the criteria set forth in Governmental Accounting Standards Board (GASB) No. 39 *Determining Whether Certain Organizations Are Component Units*. This Statement amends GASB Statement No. 14, *The Financial Reporting Entity*, and provides additional guidance to determine whether an affiliated organization is considered a component unit of a financial reporting entity.

The Financial Reporting Entity consists of the primary government, organizations for which the primary government is financially accountable and other organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity's financial statements to be misleading or incomplete.

The Foundation is included in the financial statements of the State of Florida, as the State is the primary government of the Foundation.

NOTE 1: Summary of Significant Accounting Policies (continued)

Basis of Accounting and Financial Statement Presentation

The Foundation's financial statements are prepared in accordance with accounting principles generally accepted in the United States of America (GAAP).

The financial statements of the Foundation have been prepared on the accrual basis in accordance with accounting principles generally accepted in the United States of America. The financial statements are presented in accordance with Financial Accounting Standards Board (FASB) Accounting Standards Codification (ASC) 958-205 *Not-for-Profit Entities – Presentation of Financial Statements*.

Under the provisions of ASC 958-205, net assets and revenues, and gains and losses are classified based on the existence or absence of donor-imposed restrictions. Accordingly, the net assets of the Foundation and changes therein are classified as follows:

Net assets without donor restrictions: Net assets that are not subject to donor-imposed restrictions and may be expended for any purpose in performing the primary objectives of the Foundation. The Foundation's board may designate assets without restrictions for specific operational purposes from time to time.

Net assets with donor restrictions: Net assets subject to stipulations imposed by donors, and grantors. Some donor restrictions are temporary in nature; those restrictions will be met by actions of the Foundation or by the passage of time. Other donor restrictions are perpetual in nature, whereby the donor has stipulated the funds be maintained in perpetuity.

Cash and Cash Equivalents

The Foundation considers all highly liquid investments with a maturity of three months or less when purchased to be cash equivalents. The Federal Deposit Insurance Corporation (FDIC) provides deposit coverage to combined accounts up to \$250,000. At times, the cash balances may exceed federally insured amounts; however, management assesses the financial condition of the institutions and risk associated for its cash deposits.

Capital Assets

Capital assets purchased or acquired are reported at historical cost or estimated historical cost. Contributed assets are reported at fair market value as of the date received. Additions, improvements, and other capital outlays that significantly extend the useful life of an asset are capitalized. Capital assets are depreciated using the straight-line method over their estimated useful life.

NOTE 1: <i>Summary of Significant Accounting Policies (continued)</i>
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Public Support and Revenue

Unconditional contributions are recognized when pledged and recorded as net assets without donor restrictions or net assets with donor restrictions, depending on the existence and/or nature of any donor-imposed restrictions. Conditional promises to give are recognized when the conditions on which they depend are substantially met. Gifts of cash and other assets are reported with donor restricted support if they are received with donor stipulations that limit the use of the donated assets.

When a restriction expires, that is, when a stipulated time restriction ends or a purpose restriction is accomplished, net assets with donor restrictions are reclassified to net assets without donor restrictions and reported in the statement of activities as net assets released from restrictions. Donor-restricted contributions whose restrictions are met in the same reporting period are reported as net assets without donor restriction support. Donations of property and equipment are recorded as support at their estimated fair value at the date of donation. Contributions restricted for the acquisition of land, buildings, and equipment are reported as net assets without donor restriction upon acquisition of the assets and the assets are placed in service.

Donated Assets

Contributions of donated non-cash assets are recorded at their fair market values in the period received.

Donated Services

Contributions of donated services that create or enhance non-financial assets or that require specialized skills, are provided by individuals possessing those skills, and would typically need to be purchased if not provided by donation, are recorded at their fair market values in the period received.

NOTE 1: <i>Summary of Significant Accounting Policies (continued)</i>
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Organization Funding

Operating revenues include grants, contributions, and other revenue sources used to fund the annual operating activities of the Foundation. Specifically, the Foundation's major revenue sources are as follows:

- Conserve Wildlife license plate annual use fee as outlined in F.S. 320.08058(24)
- Discover Florida's Oceans license plate annual use fees as outlined in F.S. 320.08058(50)
- Protect Florida Springs license plate annual use fee as outlined in F.S. 320.08058(61)
- Wildlife Foundation of Florida license plate annual use fee as outlined in F.S. 320.08058(47)
- The mitigation fees from private or public entities for projects to offset adverse impacts to imperiled species
- Program Service Revenues
- Government Grant Funding
- Private and Corporate Donations
- Conservation bank funds for projects to offset adverse impacts to the environment

Investments

Net appreciation (depreciation) in the fair value of investments, which consists of the realized gains or losses and the unrealized appreciation (depreciation) on those investments, is presented in the statement of activities in accordance with donor restrictions as investment return. Investment return is presented net of investment fees. The average cost method is primarily used to determine the basis for computing realized gains or losses.

Measure of Operations

The statements of activities report all changes in net assets, including changes in net assets from operating and non-operating activities. Operating activities consist of those items attributable to the Foundation's ongoing activities. Non-operating activities are limited to resources that generate return from investments, endowment contributions, financing costs, and other activities considered to be of a more unusual or nonrecurring nature.

NOTE 1: Summary of Significant Accounting Policies (continued)

Fair Value of Financial Instruments

The FASB ASC 820, *Fair Value Measurements and Disclosures*, establishes the reporting of fair value information about financial instruments, whether or not recognized in the statements of financial position. The fair value of a financial instrument is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Fair value is determined based upon a hierarchy for valuation inputs that gives the highest priority to quoted prices in active markets for identical assets or liabilities and the lowest priority to unobservable inputs. The fair value hierarchy is as follows:

Level 1: Quoted prices (unadjusted) for identical assets or liabilities in active markets that the entity has the ability to access as of the measurement date.

Level 2: Significant other observable inputs other than Level 1 prices, such as quoted prices for similar assets or liabilities, quoted prices in markets that are not active, or other inputs that are observable or can be corroborated by observable market data.

Level 3: Significant unobservable inputs that reflect a reporting entity's own assumptions about the assumptions that market participants would use in pricing an asset or liability.

Due to their short-term nature, the Foundation's carrying values of assets and liabilities approximate the fair values.

Income Taxes

The Fish & Wildlife Foundation of Florida, Inc. is registered with the Internal Revenue Service as a non-profit organization under Internal Revenue Code section 501(c)(3) and, accordingly, is exempt from income taxes, except for any taxes which may arise from unrelated business income.

Use of Estimates

The preparation of these financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Actual results may differ from those estimates.

NOTE 1: Summary of Significant Accounting Policies (continued)

Functional Allocation of Expenses

The costs of providing the various programs and activities have been summarized on a functional basis in the supplementary information. Accordingly, certain employee costs have been allocated among the programs and supporting services benefited. Such allocations are determined by management on an equitable basis based on time and effort of employees involved.

New Accounting Pronouncements Implemented

For the year ended June 30, 2019, the Foundation adopted the provisions of Financial Accounting Standards Board (FASB), Accounting Standards Update (ASU) No. 2016-14, *Not-for-Profit Entities (Topic 958) – Presentation of Financial Statements of Not-for-Profit Entities*. The update addresses the complexity and understandability of net asset classification, deficiencies in information about liquidity and availability of resources, and the lack of consistency in the type of information provided about expenses and investment return. The Foundation has adjusted the presentation of these statements accordingly.

For the year ended June 30, 2020, the Foundation adopted the provisions of FASB, ASU No. 2018-08, *Not-for-Profit Entities (Topic 958): Clarifying the Scope and the Accounting Guidance for Contributions Received and Contributions Made*. This amendment provides additional guidance for contributions received and contributions made. The adoption of this standard had no effect on the Foundation's recognition of contribution revenues or expenses.

Delay of Implementation of Accounting Standard

In accordance with FASB, ASU No. 2020-05, *Effective Dates for Certain Entities*, the Foundation has elected to delay implementation of ASU 2014-09, *Revenue from Contracts with Customers* until fiscal year ending June 30, 2021.

Reclassification

Certain amounts in the prior year have been reclassified for comparative purposes to conform to the presentation in the current year financial statements.

Subsequent Events

Subsequent events were evaluated through September 11, 2020, which is the date the financial statements were available to be issued.

NOTE 2: Capital Assets

The cost and related accumulated depreciation for capital assets as of June 30, 2020 and 2019 are as follows:

	2019	Additions	Retirements	2020
Equipment	\$ 14,621	\$ 136,140	\$ -	\$ 150,761
Leasehold improvements	-	29,950	-	29,950
Donated fine art	2,800	-	-	2,800
Less: accumulated depreciation	(9,307)	(22,417)	-	(31,724)
Capital assets, net	<u>\$ 8,114</u>	<u>\$ 143,673</u>	<u>\$ -</u>	<u>\$ 151,787</u>

Depreciation expense for the years ended June 30, 2020 and 2019 was \$22,417 and \$1,914, respectively.

NOTE 3: Net Assets with Donor Restrictions

Donor restricted net assets subject to expenditure for a specified purpose consisted of the following as of June 30, 2020 and 2019:

	2020	2019
Conserve Wildlife Tag	\$ 856,597	\$ 856,185
Discover Florida's Oceans Tag	70,490	32,983
Wildlife Foundation of FL Tag	889,563	791,596
Protect Florida Springs Tag	448,196	489,272
Mitigation Species	3,179,448	2,724,933
FWC Projects	1,126,102	1,264,703
Imperiled Species	19,328,509	15,009,046
Florida Youth Conservation Centers		
Network (FYCCN)	1,142,350	1,196,529
Mitigation Properties	4,465,939	4,216,341
Other	1,033,132	374,742
Total	<u>\$ 32,540,326</u>	<u>\$ 26,956,330</u>

NOTE 4: *Deposits and Investments*

Custodial Credit Risk – Deposits and Investments

Deposits and investments are held by a brokerage house, and are insured, up to certain limits, by either: Federal Deposit Insurance Corporation (FDIC), Securities Investor Protection Corporation (SIPC), and other excess private insurance coverage offered by Lloyd's of London. This insurance does not protect against investment losses from market fluctuations or unregistered securities (as defined by SIPC rules).

Investments

As of June 30, 2020 and 2019, the Foundation had the following investments:

Investment	2020 Level 1 Fair Value	2019 Level 1 Fair Value
Mutual funds and closed-end funds	\$18,038,238	\$16,598,334
Equities	9,780,137	6,350,067
Total investments	\$ 27,818,375	\$ 22,948,401

Investment income reflected in the Statement of Revenues, Expenses, and Changes in Net Position for the years ended June 30, 2020 and 2019 includes unrealized appreciation of \$2,181,142 and \$776,518, respectively. This appreciation is attributable to the change in fair value of investments during the year.

NOTE 4: Deposits and Investments (Continued)

Investment Policy

A formal policy is maintained that outlines the goals and objectives for the Foundation's investments. To provide for diversification in the asset allocation portfolio, investments in any individual security should not exceed approximately 5% of the total market value of the portfolio. Likewise, investments in any industry should not exceed approximately 10% of the total market value of the portfolio. The only exception to this guideline is U.S. Government securities. Diversification will be maintained between and within sectors and industries.

In general, the securities in the total portfolio should be of a quality that makes them readily liquid. Equity investments utilized should be issued by companies with a minimum market capitalization of \$100 million at the time of purchase. Fixed income securities may include debt instruments issued by the U.S. Government and U.S. Corporations. Investments in low-grade bonds, as well as foreign debt instruments, should be kept to a minimum and only allowed in the long-term pools of assets. Municipal securities may be utilized when they provide distinct yield and/or security advantage.

Domestic securities purchased should be registered with the Securities and Exchange Commission, traded on a national exchange or over-the-counter market, and conform to the liquidity constraints set forth in the investment policy.

Credit Risk

The Foundation's policy is to limit investments in corporate and government debt securities to the top ratings issued by nationally recognized statistical rating organizations (NRSROs). Investments in low-grade bonds, as well as foreign debt instruments, are kept to a minimum and only allowed in the long-term pools of assets.

Interest Rate Risk

In accordance with its investment policy, the Foundation manages its exposure to declines in fair values by limiting the weighted average maturity of its investment portfolio.

Concentration of Credit Risks

The Foundation's investment policy does not allow for an investment in any one individual security that is in excess of 5% of the Foundation's total investments. Likewise, investments in any industry should not exceed approximately 10% of the total market value of the portfolio.

NOTE 5: *Pledges Receivable*

Pledges receivable represent the total promises to give to the Foundation less any contributions received to date. For pledges in excess of one year, the Foundation provides a discount based on the net present value of the pledges receivable. The Foundation uses a discount rate of 3.75% (WSJ Prime rate). An allowance for uncollectible pledges has not been recorded based on historical experience and an analysis of the composition of the donor. The pledges are scheduled to be received in future years as follows:

Pledges receivable as of:	
2021	\$ 100,000
2022	100,000
2023	100,000
2024	100,000
2025	100,000
2026	100,000
2027	100,000
2028	<u>100,000</u>
Total pledges receivable	800,000
Discount on pledges receivable	<u>(105,375)</u>
Pledges receivable, net	<u>\$ 694,625</u>

NOTE 6: *Line-of-Credit*

The Foundation has a revolving line-of-credit agreement with a financial institution in which it may borrow up to a maximum amount as determined from time to time by the financial institution based on the value of the securities pledged as collateral. There was no balance outstanding at June 30, 2020 or 2019. Each project that requires the use of this line-of-credit is approved by the Board of Directors prior to its use.

NOTE 7: *Related Party Transactions*

The Fish & Wildlife Foundation of Florida, Inc. is a citizen support group of the Florida Fish and Wildlife Conservation Commission as authorized in Section 379.223 of the Florida Statutes. As also authorized by the statute, the Foundation utilizes Commission personnel, property, and facilities to assist in its activities. The fair market value of these in-kind contributions has been reported in the accompanying financial statements.

NOTE 8: Risk Management

The Foundation is exposed to various risks of loss in the normal course of business. Conventional commercial insurance coverage has been purchased from various independent carriers to insure against such risks and minimize the Foundation's financial exposure to such risks.

The Foundation is not involved in any risk pools with other governmental entities.

NOTE 9: Commitments

The Foundation has contracts outstanding with third parties for the provision of services under the Conserve Wildlife License Plate Program, Protect Florida Springs License Plate Program, Mitigation Programs, Wildlife Foundation of Florida License Plate Program, and Florida Fish and Wildlife Conservation Commission Projects.

NOTE 10: Liquidity and Availability of Financial Assets

Financial assets available for general expenditure within one year are as follows as of June 30, 2020 and 2019:

	<u>2020</u>	<u>2019</u>
Cash, including donor-restrictions for program operations	\$ 5,955,523	\$ 5,519,721
Receivables	370,219	310,320
Financial assets available to meet cash needs for general expenditures within one year	<u>\$ 6,325,742</u>	<u>\$ 5,830,041</u>

The Foundation is substantially supported by restricted contributions. Because a donor's restriction requires resources to be used in a particular manner or in a future period, the Foundation must maintain sufficient resources to meet those responsibilities to its donors. Thus, financial assets may not be available for general expenditure within one year.

The Foundation monitors cash availability on a weekly basis. Accounts payable are released with mindfulness of cash on hand. In the case of a long-term cash flow emergency, the Foundation can draw down its' investment balances with the approval of the board.

NOTE 11: *Uncertain Income Tax Position*

The Foundation accounts for income taxes as required by FASB ASC 740, *Income Taxes*. Using that guidance, tax positions initially need to be recognized in the financial statements when it is more-likely-than-not the positions will be sustained upon examination by the tax authorities. It also provides guidance for derecognition, classification, interest and penalties, accounting in interim periods, disclosure and transition.

As of June 30, 2020, the Foundation had no uncertain tax positions that qualify for either recognition or disclosure in the financial statements. Additionally, the Foundation had no interest and penalties related to income taxes.

NOTE 12: *Lease Commitments*

On November 1, 2019, the Foundation entered into a lease agreement for office space to facilitate the research, care, and propagation of Florida corals. The day-to-day operations of the facility will be operated by SeaWorld Parks & Entertainment, Inc. This lease expires on October 31, 2022. Monthly base lease payments are \$1,714.67 during the first year of the lease with a 3% increase in each of the two subsequent years. The Foundation is also obligated by the terms of the lease to pay 3% of the landlord's operating cost of the premises. As of June 30, 2020, these additional costs were approximately \$500 per month. Total base rental expense for the year ended June 30, 2020 was \$13,717. The future minimum base lease payments required under this lease are as follows:

<u>Year</u>	<u>Amount</u>
2021	\$ 20,988
2022	21,617
2023	<u>7,276</u>
Total minimum lease payments	<u>\$ 49,881</u>

NOTE 13: *Coronavirus (COVID-19)*

In early 2020, an outbreak of a novel strain of coronavirus (COVID-19) emerged globally. As a result, events have occurred domestically in the United States and globally, including mandates from federal, state and local authorities, leading to an overall decline in economic activity. The ultimate impact of the epidemic on the financial performance of the Foundation cannot be reasonably estimated at this time.

**REPORTS REQUIRED UNDER
*GOVERNMENTAL AUDITING STANDARDS***

LANIGAN & ASSOCIATES, P.C.
CERTIFIED PUBLIC ACCOUNTANTS
MANAGEMENT CONSULTANTS

**INDEPENDENT AUDITOR’S REPORT ON INTERNAL CONTROL
OVER FINANCIAL REPORTING AND ON COMPLIANCE AND
OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

To the Board of Directors
Fish & Wildlife Foundation of Florida, Inc.
Tallahassee, Florida

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of Fish & Wildlife Foundation of Florida, Inc., which comprise the statement of financial position as of June 30, 2020, and the related statements of activities, functional expenses, and cash flows for the year ended, and the related notes to the financial statements, and have issued our report thereon dated September 11, 2020.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Fish & Wildlife Foundation of Florida, Inc.’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Fish & Wildlife Foundation of Florida, Inc.’s internal control. Accordingly, we do not express an opinion on the effectiveness of Fish & Wildlife Foundation of Florida, Inc.’s internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses or significant deficiencies. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Fish & Wildlife Foundation of Florida, Inc.'s financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Lanigan & Associates, PC

Tallahassee, Florida
September 11, 2020

LANIGAN & ASSOCIATES, P.C.
CERTIFIED PUBLIC ACCOUNTANTS
MANAGEMENT CONSULTANTS

**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR
EACH MAJOR STATE PROJECT AND ON INTERNAL CONTROL
OVER COMPLIANCE REQUIRED BY CHAPTER 10.650,
RULES OF THE AUDITOR GENERAL**

Board of Directors
Fish & Wildlife Foundation of Florida, Inc.
Tallahassee, Florida

Report on Compliance for Each Major State Project

We have audited Fish & Wildlife Foundation of Florida, Inc.'s compliance of with the types of requirements described in the *Florida Department of Financial Services' State Projects Compliance Supplement*, that could have a direct and material effect on its major state projects for the year ended June 30, 2020. Fish & Wildlife Foundation of Florida, Inc.'s major state projects are identified in the summary of audit results section of the accompanying schedule of findings and questioned costs.

Management's Responsibility

Management is responsible for compliance with the requirements of laws, regulations, contracts, and grants applicable to its major state projects.

Auditor's Responsibility

Our responsibility is to express an opinion on compliance for each of Fish & Wildlife Foundation of Florida, Inc.'s major State projects based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Chapter 10.650, Rules of the Auditor General. Those standards and Chapter 10.650, Rules of the Auditor General, require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major State project occurred. An audit includes examining, on a test basis, evidence about Fish & Wildlife Foundation of Florida, Inc.'s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major State project. However, our audit does not provide a legal determination of the Fish & Wildlife Foundation of Florida, Inc.'s compliance.

Opinion on Each Major State Project

In our opinion, Fish & Wildlife Foundation of Florida, Inc. complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major state projects for the year ended June 30, 2020.

Other Matters

The results of our auditing procedures disclosed an instance of noncompliance which is required to be reported in accordance with Chapter 10.650, Rules of the Auditor General and which is described in the accompanying schedule of findings and questioned costs as item 2020-001. Our opinion on each major state project is not modified with respect to this matter.

Fish & Wildlife Foundation of Florida, Inc.'s response to the noncompliance findings identified in our audit is described in a separate attached letter. Fish & Wildlife Foundation of Florida, Inc.'s response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

Report on Internal Control over Compliance

Management of Fish & Wildlife Foundation of Florida, Inc. is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Fish & Wildlife Foundation of Florida, Inc.'s internal control over compliance with the types of requirements that could have a direct and material effect on each major State project to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major State project and to test and report on internal control over compliance in accordance with Chapter 10.650, Rules of the Auditor General, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Fish & Wildlife Foundation of Florida, Inc.'s internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a Federal program or State project on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a Federal program or State project will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or as combination of deficiencies, in internal control over compliance with the type of compliance requirement of a State project that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Report on Compliance
Page Three

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses, or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and results of that testing based on the requirements of Chapter 10.650, Rules of the Auditor General. Accordingly, this report is not suitable for any other purpose.

Lanigan & Associates, PC

Tallahassee, Florida
September 11, 2020

**FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
SCHEDULE OF EXPENDITURES OF STATE FINANCIAL ASSISTANCE
FOR THE YEAR ENDED JUNE 30, 2020**

State Awarding Agency - Projects	CSFA Number	Grantor's Number	State Expenditures
Florida State Department of Highway Safety and Motor Vehicles			
Conserve Wildlife License Plate Project	76.073	N/A	\$ 414,426
Discover Florida's Oceans License Plate Project	76.084	N/A	9,100
Protect Florida Springs License Plate Project	76.103	N/A	308,389
Wildlife Foundation of Florida Plate Project	76.135	N/A	<u>313,638</u>
Total Expenditures of State Financial Assistance			<u><u>\$ 1,045,553</u></u>

**NOTES TO SCHEDULE OF EXPENDITURES OF STATE FINANCIAL ASSISTANCE
FOR THE YEAR ENDED JUNE 30, 2020**

1. The Foundation follows the accrual basis of accounting in preparing this schedule. This method is consistent with the preparation of the Foundation's financial statements.

**FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2020**

I. SUMMARY OF AUDIT RESULTS

1. Type of audit report issued on the financial statements: Unmodified
2. Audit disclosed no material weaknesses or significant deficiencies in internal controls over financial reporting.
3. There were no instances of noncompliance material to the financial statements of Wildlife Foundation of Florida, Inc., disclosed during the audit.
4. Audit disclosed no significant deficiencies or material weaknesses in internal control over the state projects.
5. Type of audit report issued on compliance with requirements applicable to the major state projects: Unmodified
6. The audit disclosed findings required to be reported under Chapter 10.656, *Rules of the State of Florida, and Office of the Auditor General*.
7. Major state projects identification:

<u>State Project</u>	<u>CFSA No.</u>
Conserve Wildlife License Plate Project	76.073
Protect Florida's Springs Plate Project	76.103
Wildlife Foundation of Florida Plate Project	76.135

8. Dollar threshold for distinguishing Type A or Type B programs was \$300,000 for state projects.

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (continued)
FOR THE YEAR ENDED JUNE 30, 2020

II. FINDINGS RELATED TO THE FINANCIAL STATEMENTS WHICH ARE REQUIRED TO BE REPORTED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

None Reported.

III. FINDINGS RELATED TO STATE PROJECTS

2020-001:

Information on the State Program: CSFA 76.135 – Wildlife Foundation of Florida License Plates.

Compliance Requirements: 1. Seventy-five percent must be used to fund programs and projects within the state that preserve open space and wildlife habitat, promote conservation, improve wildlife habitat, and establish open space for the perpetual use of the public. 2. Twenty-five percent may be used for promotion, marketing, and administrative costs directly associated with operation of the foundation. (c) When the provisions of subparagraph (b)1. are met, those annual revenues shall be used for the purposes of subparagraph (b)2.

Type of Finding: Noncompliance.

Criteria: The program requires that administrative and marketing funds can only be spent after seventy-five percent of the revenue is used to fund approved projects.

Condition: For the year ending June 30, 2020, we reviewed total expenditures and noted, in accordance with a new August 2020 interpretation by the Florida Department of Highway Safety and Motor Vehicles of the 2014 license plate legislation, the Foundation did not spend a full seventy-five percent of Wildlife Foundation of Florida tag revenue prior to spending twenty-five percent on administrative and marketing costs.

Context: Wildlife Foundation of Florida specialty tag revenue for the year ended June 30, 2020 totaled \$375,577. The Foundation expended \$219,744 on approved projects (59% of total revenue).

Effect: The Foundation did not meet the requirements before expending funds on administrative and marketing costs.

Cause: The Foundation did not receive enough high-quality and high-dollar grant proposals early in the year, and thus could not disburse enough of the funds on appropriate projects.

FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (continued)
FOR THE YEAR ENDED JUNE 30, 2020

III. FINDINGS RELATED TO STATE PROJECTS (continued)

Recommendation: We recommend management review and revise controls over disbursement of Wildlife Foundation of Florida Tag administrative and marketing expenditures.

**FISH & WILDLIFE FOUNDATION OF FLORIDA, INC.
SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS
FOR THE YEAR ENDED JUNE 30, 2020**

PRIOR YEAR AUDIT FINDINGS

None noted.

FISH & WILDLIFE FOUNDATION OF FLORIDA



September 22, 2020

Mr. John Keillor, Principal
Lanigan & Associates, PC.
2630 Centennial Place
Tallahassee, FL 32308

Re: Audit Finding 2020-001

Dear Mr. Keillor:

We have reviewed your Finding 2020-001 related to the Wildlife Foundation of Florida License Plates. Your Finding suggests that the Foundation incurred and allocated administrative and marketing expenditures despite not spending seventy-five percent of SLP funds on program expenditures. As you know from our prior discussions regarding this matter, the Foundation does, in fact, “use” 75% of the SLP funds in compliance with Fla. Stat. § 320.08058(47). The Foundation’s “use” is evidenced by both actual expenditures (as your Findings report) and by the Foundation’s written awards of grants to qualified projects that further the SLP purpose. These grant awards are administered on a cost-reimbursement basis with the grant recipients. Therefore, the funds are not actually expended until the grantee incurs the reimbursable program cost and submits the appropriate invoice to the Foundation for reimbursement. Since many high-quality grants are not awarded until late in the fiscal year, this may cause expenditures of these encumbered grant funds in a fiscal year subsequent to the fiscal year when the Foundation received the SLP funds. We believe our encumbrance of SLP funds within the same fiscal year of SLP funds receipt is consistent with the Statute. We note that Section 320.08058(47) includes the term “used to fund programs,” not the term “expended” (unlike several other subsections of Section 320.08058). Therefore, we believe the Foundation is correctly using SLP dollars to fund programs. We believe that canons of statutory construction under Florida law require the term “use” to be interpreted differently than the term “expend,” as the Legislature chose to write for other parts of the Statute. Nevertheless, in light of your Finding, we have undertaken to modify our accounting procedures as stated below in this letter.

Moreover, as also discussed with you during your audit review, the Foundation believes that the “trigger” for administrative, marketing, and promotion (AMP) use of SLP funds contained in Section 320.08058(47)(c) is the result of a legislative oversight when amending the Statute in 2014. In the literal application of subsection (47)(c), the Foundation is *required* to use 25% of program funds on AMP, as soon as the Foundation uses 75% of SLP dollars to fund programs. This literal application is nonsensical, both because the Foundation would be *required* to spend 25% of SLP dollars on its AMP, and because AMP costs are experienced well before 75% of SLP funds are actually expended on program costs, as explained above. We believe that a closer look at the history of the Statute’s amendment explains how the Statute is written today.

FISH & WILDLIFE FOUNDATION OF FLORIDA



When the Legislature transitioned the “Wildlife Foundation of Florida” specialty license plate from the Sportsmen’s National Land Trust (SNLT) to the Wildlife Foundation of Florida in 2014, the Legislature appears to have unintentionally retained **paragraph (c)** of Fla. Stat. § 320.08058(47). A side-by-side comparison of the **2013** and **current** versions of the Statute show:

2013

(47) SPORTSMEN’S NATIONAL LAND TRUST LICENSE PLATES.—

(a) The department shall develop a Sportsmen’s National Land Trust license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “Sportsmen’s National Land Trust” must appear at the bottom of the plate.

(b) The annual revenues from the sales of the license plate shall be distributed to the Sportsmen’s National Land Trust. Such annual revenues must be used by the trust in the following manner:

1. Fifty percent may be retained until all startup costs for developing and establishing the plate have been recovered.

2. Twenty-five percent must be used to fund programs and projects within the state that preserve open space and wildlife habitat, promote conservation, improve wildlife habitat, and establish open space for the perpetual use of the public.

3. Twenty-five percent may be used for promotion, marketing, and administrative costs directly associated with operation of the trust.

(c) When the provisions of subparagraph (b)1. are met, those annual revenues shall be used for the purposes of subparagraph (b)2.

CURRENT

(47) WILDLIFE FOUNDATION OF FLORIDA LICENSE PLATES.—

(a) The department shall develop a Wildlife Foundation of Florida license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “Wildlife Foundation of Florida” must appear at the bottom of the plate.

(b) The annual revenues from the sales of the license plate shall be distributed to the Wildlife Foundation of Florida, Inc., a citizen support organization created pursuant to s. 379.223. Such annual revenues must be used in the following manner:

1. Seventy-five percent must be used to fund programs and projects within the state that preserve open space and wildlife habitat, promote conservation, improve wildlife habitat, and establish open space for the perpetual use of the public.

2. Twenty-five percent may be used for promotion, marketing, and administrative costs directly associated with operation of the foundation.

(c) When the provisions of subparagraph (b)1. are met, those annual revenues shall be used for the purposes of subparagraph (b)2.

As highlighted above, the inclusion of paragraph (c) in the original tag statute was meaningful, in that once the SNLT recovered its startup costs (subparagraph (b)(1)), then, according to paragraph (c), the remaining revenues must be used for program funding per subparagraph (b)(2).

FISH & WILDLIFE FOUNDATION OF FLORIDA



In 2014, when the Legislature transitioned the tag to the Wildlife Foundation of Florida (now the Fish & Wildlife Foundation of Florida), there was no need to retain the startup cost recovery feature of the statute, and the Legislature deleted the obsolete subparagraph (b)(1), and subparagraphs (b)(2) and (b)(3) became subparagraphs (b)(1) and (b)(2), respectively. At that point, paragraph (c) had no further relevance or purpose. However, the Legislature appears to have unintentionally retained paragraph (c). The result today is that Section 320.08058(47) includes paragraph (c), seemingly compelling the Foundation to use any funds beyond the 75% of plate revenue for promotion, marketing, and administrative costs. This Legislative oversight can be seen from an excerpt in 2014 HB 7005, Sec 21, which shows the Legislature's amendments to Section 320.08058 in 2014. The Bill omits paragraph (c) from the text. Had it been included, the Bill would have likely shown a strike-through of that obsolete paragraph (c) as no longer relevant, just as the Legislature struck the prior subparagraph (b)(1):

Section 21. Paragraphs (a) and (b) of subsection (47) and paragraph (a) of subsection (76) of [Fla. Stat. § 320.08058](#), are amended to read:

320.08058 Specialty license plates.—

(47) WILDLIFE FOUNDATION OF FLORIDA ~~SPORTSMEN'S NATIONAL LAND TRUST~~ LICENSE PLATES.—

(a) The department shall develop a [Wildlife Foundation of Florida](#) ~~Sportsmen's National Land Trust~~ license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "[Wildlife Foundation of Florida](#) ~~Sportsmen's National Land Trust~~" must appear at the bottom of the plate.

(b) The annual revenues from the sales of the license plate shall be distributed to the [Wildlife Foundation of Florida, Inc.](#), a citizen support organization created pursuant to s. 379.223 ~~Sportsmen's National Land Trust~~. Such annual revenues must be used ~~by the trust~~ in the following manner:

~~1. Fifty percent may be retained until all startup costs for developing and establishing the plate have been recovered.~~

1. 2. ~~Seventy-five~~ ~~Twenty-five~~ percent must be used to fund programs and projects within the state that preserve open space and wildlife habitat, promote conservation, improve wildlife habitat, and establish open space for the perpetual use of the public.

2. 3. Twenty-five percent may be used for promotion, marketing, and administrative costs directly associated with operation of the [foundation](#) ~~trust~~.

No other specialty plate program under Section 320.08058 includes a feature like subsection (47)(c), as it exists today. That unique paragraph (c) was most clearly created for the startup costs of the tag program, as incurred by the SNLT. In each instance where a specialty plate program is allowed to recover startup costs under Section 320.08058, the applicable subsection of the statute features some direction to transition to program use after the startup costs have been reimbursed. For example, the "Protect Florida Springs" specialty plate (another Foundation program) in subsection (61) directs that the Foundation initially retain the first \$60,000 of revenue to reimburse the startup costs, and "Thereafter" directs certain use of the specialty plate funds. **Subsection (47)(c)** of Section 320.08058 is due to be stricken as obsolete, irrelevant and immaterial to the ongoing governance of the Wildlife Foundation of Florida specialty license plate program.

FISH & WILDLIFE FOUNDATION OF FLORIDA



However, until we are able to obtain legislative correction of this obsolete subparagraph in the Statute, we are taking action to comply with your Finding. Beginning July 1, 2020, we have changed our accounting procedures as outlined below:

1. When tag revenues are received during the year, they will be recorded to the revenue account and marked with the “WFF Tag – Unallocated” class as per current procedure.
2. However, we will not move any monies to the “WFF – Administration” class throughout the year. The money will stay in “WFF Tag – Unallocated”.
3. We will deficit spend from the “WFF – Administration” class using general funds over the course of the year because there are ongoing marketing, promotion, and administrative costs associated with specialty tag programs which occur throughout the year.
4. “WFF Tag – Unallocated” and funds allocated to “WFF Tag – Issued Grants” monies will be used on programmatic expenses throughout the year as per current procedure.
5. On June 30 of each year, we will analyze whether the total programmatic encumbrances and/or expenditures equal at least 75% of the revenue. All programmatic encumbrances would be legally bound by the issuance of a Grant Award letter and documented acceptance of the award by the recipient.
6. If this threshold has been met, we will then move up to 25% of the remaining revenue in “WFF Tag – Unallocated” to “WFF – Administration” in order to reimburse our costs for marketing, promotion, and administration.
7. As part of the year-end adjusting entry in Step 6, we will also move the corresponding amount of cash from the tag account to the general funds account.
8. If our analysis indicates we did not spend or encumber at least 75% on programmatic expenditures, there will be no reimbursement as outlined in Steps 6 and 7.

We would like to thank you and your staff for the professionalism displayed throughout this audit engagement. We ask that you please include this letter as part of your final audit report in this matter.

Sincerely,

Will Bradford
COO