

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 2388

SPONSOR: Governmental Oversight and Productivity Committee and Senator Dockery

SUBJECT: Fish & Wildlife Conservation Commission

DATE: April 9, 2003

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Molloy</u>	<u>Kiger</u>	<u>NR</u>	<u>Favorable</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Fav/CS</u>
3.	_____	_____	<u>FT</u>	_____
4.	_____	_____	<u>AGG</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates a definition for saltwater fish, and authorizes the Fish and Wildlife Conservation Commission (FWC) to purchase and distribute promotional materials regarding boating safety and other public safety or resource conservation programs. License requirements for persons operating vessels carrying four or fewer customers, are reinstated after being inadvertently deleted during the 2002 Regular Session. The bill provides that for violations of ch. 372, F.S., or rules of the FWC, courts must certify the disposition of any case to the FWC within 10 days of final disposition.

This bill amends ss. 372.001, 372.07, 372.0222, 372.16, 372.57, 372.6673, and 372.921, of the Florida Statutes:

II. Present Situation:

Crawfish permits

Subsection (8) of section 372.57, F.S., provides for a \$2 annual crawfish permit for any person wishing to take spiny lobster recreationally. This permit is in addition to the saltwater fishing license requirements for residents or non-residents. An annual resident license is \$12, and an annual non-resident license is \$30. Non-residents may also purchase a 3-day, \$5 license and a 7-day, \$15 license. Whichever license is purchased, the \$2 stamp is also required to recreationally take spiny lobster at any time during the regular season which runs from August through March, or the two-day sport season which is usually scheduled for the last Wednesday and Thursday of July.

Promotional Items

Section 372.0222, F.S., provides the FWC with authority to enter into agreements for private publication of public information brochures, pamphlets and related materials for free distribution to the public. However, last year the Comptroller notified the FWC that some question existed as to the FWC's authority to purchase promotional items for boating safety and public outreach programs. Because the Legislature statutorily transferred boating safety responsibilities from the former Division of Law Enforcement at the Department of Environmental Protection to the FWC during the creation of the agency in 1999, and the authority provided in s. 372.0222, F.S., was the promotional authority for the former Game & Fresh Water Fish Commission which did not have authority over boating safety programs, the Comptroller suggested that some clarification was necessary.

Alligator Licenses

Current law designates the alligator trapping license is effective from June 1 to June 30 of the following year. With the exception of certain non-resident recreational hunting and fishing licenses, all other licenses issued by the FWC are effective for one year from the date of purchase.

Exhibition of Wildlife

During the 2002 Regular Session, the Legislature enacted ch. 2002-46, L.O.F., and created a Class III wildlife designation in ss. 372.921 and 372.922, F.S. In creating the classification, language was inadvertently added which eliminated licensing requirements for the sale of Class I, Class II, and Class III wildlife. Language requiring permits to exhibit all three classes of wildlife were not eliminated.

Disposition of Cases

When the Legislature enacted ch. 2002-46, L.O.F., during the 2002 Regular Session, revisions requiring the courts to notify the FWC within 10 days of final disposition of cases regarding commercial fishing violations were made in ch. 370, F.S. However, no such provisions were added to ch. 372, F.S., for cases involving recreational fishing or any hunting violations.

III. Effect of Proposed Changes:

This bill amends s. 372.001, F.S., to provide a definition for "saltwater fish" and to include "saltwater fish" in the definition of "take" for purposes of ch. 372, F.S. The FWC's authority to purchase and distribute promotional items to increase public awareness regarding boating safety and other public safety or resource conservation programs is clarified in s. 372.0222, F.S.

Section 372.05, F.S., is amended to authorize the executive director of the FWC to establish temporary full-time equivalent positions to implement research grants and contracts but only if the grants or contracts can fully fund the positions for no longer than the length of the grant or contract. Technical corrections are made to ss. 372.16 and 372.921, F.S.

Section 372.57, F.S., is amended to reinstate license requirements for persons licensed to operate vessels carrying 4 or fewer passengers (inadvertently deleted during the ch. 372 rewrite enacted in the 2002 Regular Session). License requirements for persons who take game, freshwater or saltwater fish, or fur-bearing animals are clarified and amended to provide that persons who are

in possession of game, freshwater or saltwater fish, or fur-bearing animals, but who are not in possession of a required license, commit a noncriminal infraction and are subject to a \$50 fine.

Section 372.6673, F.S., is amended to provide that licenses for taking and possessing alligators are valid for a one-year period from the date of issuance.

Section 372.07, F.S., specifying the police powers of the commission and its agents, is amended to require that courts shall certify disposition of cases for violations of any provisions of ch. 372, F.S., or any rule of the FWC, to the FWC within 10 days of final disposition.

If enacted, this bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Art. III, s. 11(19), State Constitution, prohibits the legislature from enacting special laws or general laws of local application on hunting or fresh water fishing.

Art. IV., s. 9, State Constitution, provides that "all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law."

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

This bill creates a new penalty by providing that persons who are in possession of game, freshwater or saltwater fish, or fur-bearing animals, but who are not in possession of a required license or permit, commit a noncriminal infraction and are subject to a \$50 fine.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
