

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: SB 2388

SPONSOR: Senator Dockery

SUBJECT: Fish & Wildlife Conservation Commission

DATE: March 28, 2003 REVISED: _____

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

I. Summary:

This bill authorizes the Fish & Wildlife Conservation Commission (FWC) to establish temporary, full-time equivalent positions to implement research contracts and grants under certain conditions. Revisions are made to license requirements for taking fish, game, or fur-bearing animals, and the FWC is authorized to create a Monroe County recreational sport season crawfish permit at a fee not more than \$10.

This bill creates a definition for saltwater fish, and authorizes the 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 4 or fewer customers, are reinstated after being inadvertently deleted during the 2002 Regular Session. The bill provides that for violations of Chapter 372, Florida Statutes, 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, 372.0222, 372.05, 372.16, 372.57, 372.6673, 372.921, and 372.99, 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.

Special Two-Day Monroe County Lobster Sport Season

The special two-day lobster sport season was created to provide recreational fishers with an opportunity to take lobster prior to the start of the commercial lobster season. Recreational fishers are limited to 6 lobsters per person on each of the two days and are limited in methods of take.

In a survey conducted during the 1999-2000 season, the FWC estimated that 432,000 lobsters were taken statewide during the two-day sport season. In 2001, the Florida Marine Research Institute, together with NOAA, and the National Marine Sanctuary, published a document called "Economic Impact of the Recreational Lobster Fishery on Monroe County, 2001" which provides the following information:

- In 2001, there were 58,286 person-days of lobster fishing in the two-day sport season.
- Visitors spent an average of \$129 per night.
- Resident spent an average of \$34 per night.
- About \$6.8 million was spent in the two-day sport season.
- The total sales output for the two-day sport season was almost \$7 million.
- The total income contribution to Monroe County from the two-day sport season was about \$2.3 million.

Law Enforcement during the Special Two-Day Monroe County Lobster Sport Season

The current law enforcement effort of the FWC during the two-day sport season is estimated as follows:

| | |
|--|----------------------|
| Law Enforcement officers regularly stationed in the Keys | 56 |
| Additional officers required for two-day season | <u>25</u> |
| Total # of Officers Required: | 81 |
| Average # of work hours per day | 10 |
| # of days | 5 |
| Average hourly wage including benefits, boats, gas | \$50.79 ¹ |
| Overtime and travel expenses | \$50,000 |

The FWC spends approximately \$256,000 on law enforcement efforts each year during the two-day sport season.

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

¹ Information based on terms of contracts between FWC and the federal government for contracted law enforcement efforts, as provided by the FWC.

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 Chapter 2002-46, Laws of Florida, 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 Chapter 2002-46, Laws of Florida, 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 Chapter 370, Florida Statutes. However, no such provisions were added to Chapter 372, Florida Statutes, 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 Chapter 372, Florida Statutes. 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 Chapter 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.

In addition to the \$2 annual crawfish permit required by s. 372.57, F.S., the FWC is authorized to establish by rule a Monroe County recreational sport season crawfish permit, and is required to set the fee at no more than \$10. All persons who participate in taking or possessing lobster during the recreational sport season must be in possession of the sport season crawfish permit, and no exceptions or exemptions from permit requirements are authorized.

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 372.99, F.S., regulating the illegal taking of deer and wild turkey, is amended to require that courts shall certify disposition of cases for violations of any provisions of Chapter 372, Florida Statutes, 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. IV., s. 9, of the 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."** Section 5 of this bill amends s. 372.57, F.S., to require that the FWC establish a permit fee for the Monroe County two-day lobster season at no more than \$10.

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.

This bill creates a new permit fee by authorizing the FWC to establish by rule a Monroe County recreational sport season crawfish permit, and requiring that the FWC set the fee for the permit at no more than \$10.

B. Private Sector Impact:

If this bill is enacted by the Legislature, residents and non-residents participating in the Monroe County two-day crawfish recreational sport season will have to purchase the permit being created in the bill. The FWC estimates that at least 40,000 persons participate in the two-day mini-season. If the permit fee is set at \$10, the FWC estimates that the private sector will pay about \$400,000 to participate in the recreational sport season. This special permit is in addition to required saltwater fishing licenses and the annual \$2 crawfish stamp.

C. Government Sector Impact:

The FWC estimates no fiscal impact to the agency's law enforcement efforts if this bill is enacted. The current law enforcement detail assigned to Monroe County for the two-day sport season is sufficient to enforce the provisions of the bill.

The FWC estimates a positive revenue impact of approximately \$400,000 in permit fees that will be used to pay for spiny lobster research, and the costs associated with producing the special permit.

VI. Technical Deficiencies:

Section 7 amends s. 372.921, F.S., to reinstate a requirement that persons selling wildlife, as well as exhibiting wildlife, must possess a permit. However, an amendment to the directory section of this language is necessary as it refers only to the exhibition of wildlife.

Section 8 of this bill amends s. 372.99, F.S., relating to the illegal taking of deer and turkey, to add a provision relating to the final disposition of alleged offenses for "**any violation of this chapter or the rules of the commission.**". This provision may be more appropriately located in sections of chapter 372, Florida Statutes that provide police powers for officers of the FWC.

Section 372.562, F.S., establishes exemptions from hunting and fishing license requirements for minors, for persons over the age of 65 years, for certain military personnel, and for qualified disabled persons. Section 8 of this bill provides that notwithstanding any other provision of chapter 372, Florida Statutes, any person taking or possessing crawfish during the recreational sport season in Monroe County must have the new permit being created in the bill.

VII. Related Issues:

None.

VIII. Amendments:

None.