

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1519 Marine Fisheries

**SPONSOR(S):** Sorensen

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2736

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Natural Resources</u>	_____	<u>Camechis</u>	<u>Lotspeich</u>
2) <u>Agriculture &amp; Environment Appro. (Sub)</u>	_____	_____	_____
3) <u>Appropriations</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

This bill:

- Increases the fee for a commercial saltwater crawfish endorsement from \$100 to \$125 for any person harvesting crawfish with traps;
- Dedicates the \$25 increase to fund post-season retrieval of lost/abandoned traps;
- Exempts holders of this endorsement from the retrieval fee of \$10 per trap for the first five traps retrieved; and
- Increases fees for nonresident fishing licenses.

The crawfish endorsement fee increase is expected to generate an additional \$36,000 in annual revenues, while the nonresident fishing license fee increases are expected to generate an additional \$2.5 million in annual revenues.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1519.nr.doc  
**DATE:** March 12, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |  |   |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

This bill creates a three-day nonresident fishing license and increases the cost of crawfish endorsements and nonresident fishing licenses.

#### B. EFFECT OF PROPOSED CHANGES:

##### CRAWFISH REGULATION

###### **Present Situation**

Section 370.14(2), F.S., requires each trap used for taking or attempting to take crawfish to have a trap number, commonly referred to as a "crawfish endorsement", permanently attached to the trap and the buoy. This trap number may be issued by the Fish and Wildlife Conservation Commission (FWC) upon the receipt of an application by the owner of the traps accompanied by a fee of \$100. Any trap or device used in taking or attempting to take crawfish, other than a trap with the trap number attached must be seized and destroyed by the FWC. Fee proceeds are deposited into the Marine Resources Conservation Trust Fund. Fifty percent of fee proceeds must be used in enforcing statutory trap requirements through aerial and other surveillance and trap retrieval, and the remaining fifty percent must be used for administration of the trap certificate program, research and monitoring of the spiny lobster fishery, enforcement and public education activities in support of the purposes of this section, and to evaluate the impact of the trap reduction schedule on the spiny lobster fishery.

Section 370.142(6), F.S., also requires a person who commercially takes crawfish by means other than trapping to obtain a number to be displayed on his or her boat and pay a \$100 fee.

Section 370.143, F.S., authorizes the FWC to implement a trap retrieval program for retrieval of lobster and stone crab traps remaining in the water during the closed season for each species. Trap owners are charged a retrieval fee of \$10 per trap. However, for persons holding a stone crab endorsement issued pursuant to FWC rule, the retrieval fee is waived for the first five traps retrieved. Traps recovered under this program become the property of the FWC or its contract agent and must be destroyed or resold to the original owner. Revenue from retrieval fees are deposited into the Marine Resources Conservation Trust Fund and used solely for operation of the trap retrieval program. Payment of all assessed retrieval fees must be received by the FWC prior to renewal of the trap owner's saltwater products license and stone crab and or crawfish endorsements. Retrieval fees assessed under this program stand in lieu of other penalties imposed for such trap violations. According to the FWC, the purpose of the program is to prevent illegal fishing from these traps, ghost fishing by these traps, and possible damage to corals, grass beds and mangroves by derelict traps.

###### **Effect of Proposed Changes**

The bill amends s. 370.14(2)(a), F.S., to require each person commercially harvesting crawfish with a trap to obtain a crawfish trap number from the FWC; increase the fee for a trap number from \$100 to \$125; and dedicate the \$25 increase to fund the crawfish and stone crab trap retrieval program authorized by s. 370.143, F.S.

The bill also amends s. 370.143, F.S., to exempt persons holding the crawfish trap number (endorsement) from the \$10 per trap retrieval fee for their first five traps recovered during retrieval operations.

## **NONRESIDENT FISHING LICENSES**

### **Present Situation**

Section 372.57(5)(a), F.S., establishes nonresident fishing license fees as follows:

Nonresident Annual Freshwater Fishing License	\$ 30
Nonresident Annual Saltwater Fishing License	\$ 30
Nonresident 7-Day Freshwater Fishing License	\$ 15
Nonresident 7-Day Saltwater Fishing License	\$ 15
Nonresident 3-Day Saltwater Fishing License	\$ 5

### **Effect of Proposed Changes**

The bill amends s. 372.57(5)(a), F.S., to create a nonresident 3-day freshwater fishing license and increase the cost of nonresident fishing licenses as follows:

Nonresident Annual Freshwater Fishing License	\$ 36
Nonresident Annual Saltwater Fishing License	\$ 36
Nonresident 7-Day Freshwater Fishing License	\$ 24
Nonresident 7-Day Saltwater Fishing License	\$ 24
Nonresident 3-Day Saltwater Fishing License	\$ 15
Nonresident 3-Day Freshwater Fishing License	\$ 15

According to the FWC, this revision will provide a consistent price structure for freshwater and saltwater licenses while avoiding freshwater fishing license revenue losses.

### **C. SECTION DIRECTORY:**

Section 1.	Amends s. 370.14, F.S., requiring crawfish trap numbers and increases fees.
Section 2.	Amends s. 370.143, F.S., revising trap retrieval program.
Section 3.	Amends s. 372.57, F.S., increasing fees for nonresident fishing licenses.
Section 4.	Amends s. 372.571, F.S., revising a cross-reference.
Section 5.	Amends s. 372.661, F.S., revising a cross-reference.
Section 6.	Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

**Crawfish Trap Number Fee Increase:** According to the FWC, the \$25 fee increase would generate approximately \$36,250 annually, based on sales of the crawfish endorsement to trap users for 2003/2004. This amount would provide a stable source of revenue for the trap retrieval program.

**Nonresident Fishing License Fee Increases:** Nonresident fishing licenses generated the following revenues in FY2002-03:

12 month Licenses	\$ 4,266,120
7-Day Licenses	2,047,695
3-Day Licenses	<u>1,198,150</u>
<b>Total</b>	<b>\$ 7,511,965</b>

According to the FWC, the fee increase will result in the following additional annual revenues:  
Increases:

	<u>FY 2004-05</u>	<u>FY 2005-06</u>
12 month Licenses	\$ 1,512,000	\$ 1,584,000
7-Day Licenses	329,828	345,534
3-Day Licenses	<u>714,667</u>	<u>748,699</u>
<b>Total Projected Revenue Increase</b>	<b>\$ 2,556,494</b>	<b>\$ 2,678,232</b>

2. Expenditures: None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues: None.

2. Expenditures: None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

According to the FWC, the proposed fee will affect approximately 1,450 commercial crawfish harvesters who harvest with trap gear. However, should any of their traps be lost during the fishing season and found during the trap retrieval effort, the \$25 in additional cost could save them up to \$50 in trap retrieval fees. This is possible because they would not be charged the \$10 retrieval fee per trap for the first five traps.

D. FISCAL COMMENTS: None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other: The bill is titled as an act relating to "marine fisheries;" however, the body of the bill revises nonresident freshwater fishing license provisions. As such, the bill may be regarded as embracing more than one subject in violation of s. 6, Art. III of the Florida Constitution.

B. RULE-MAKING AUTHORITY: This bill does not appear to impact the rulemaking authority of any state agency.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

#### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A