

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1519 w/CS Marine Fisheries

SPONSOR(S): Sorensen

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Natural Resources</u>	<u>19 Y, 0 N w/CS</u>	<u>Camechis</u>	<u>Lotspeich</u>
2) <u>Agriculture & Environment Appro. (Sub)</u>	<u></u>	<u></u>	<u></u>
3) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill requires each person who commercially harvests crawfish with a trap to obtain and exhibit a crawfish trap number and increases the trap number fee from \$100 to \$125. The bill dedicates the \$25 fee increase to the post-season retrieval of lost or abandoned traps, and exempts holders of a trap endorsement from the retrieval fee of \$10 per trap for the first five traps retrieved.

The crawfish trap number fee increase is expected to generate an additional \$36,000 in annual revenues, which will be used to supplement funding for the trap retrieval program.

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

STORAGE NAME: h1519a.nr.doc

DATE: March 18, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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 increases the cost of crawfish trap numbers from \$100 to \$125 for commercial harvesters who use traps.

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., in order 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 does not change the \$100 fee imposed on commercial harvesters who do not use traps to harvest spiny lobster.

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

C. SECTION DIRECTORY:

- Section 1. Amends s. 370.14, F.S., requiring crawfish trap numbers and increasing fees for commercial harvesters using traps.
- Section 2. Amends s. 370.143, F.S., revising trap retrieval program to include retrieval of "crawfish" traps.
- Section 3. Providing 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 will generate approximately \$36,250 annually, based on sales of the crawfish endorsement to trap users for FY2003-2004, and will provide a stable source of revenue for the trap retrieval program. The fee for non-trap commercial harvesters is unchanged.

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. The fee for non-trap commercial harvesters is unchanged.

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: None.

B. RULE-MAKING AUTHORITY: Section 370.14, F.S., specifically authorizes the FWCC to adopt rules to implement that section. It appears that the FWCC may be required to adopt new rules or update current rules in order to implement the revisions contained in this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS: It has been suggested that the last sentence of s. 370.14(2)(a), F.S., should be revised to clarify that persons who commercially harvest crawfish without using traps, i.e., commercial divers, must pay a \$100 fee for a permit, license, or endorsement. As currently drafted, the language may be unclear as to why the \$100 fee is required and what a person obtains in exchange for the \$100 fee.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 17, 2004, the Committee on Natural Resources adopted one amendment to delete revisions to s. 372.57, F.S., which increased nonresident fishing license fees.