

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: SB 194

INTRODUCER: Senator Latvala

SUBJECT: Crustaceans

DATE: January 6, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Halley</u>	<u>AG</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>EP</u>	_____
3.	_____	_____	<u>CJ</u>	_____

I. Summary:

SB 194 provides that each spiny lobster or stone crab taken in violation of ch. 379, F.S., or rules of the Fish and Wildlife Conservation Commission (FWC) will constitute a separate and distinct violation.

II. Present Situation:

The spiny lobster and stone crab fisheries are two of the most valuable fisheries in Florida. For the past 5 years, the dockside values of these fisheries totaled \$243.9 million (spiny lobster - \$133.6 million; stone crab - \$110.3 million). Trap theft, illegal sales, and poaching of spiny lobster and stone crab result in a direct loss to legitimate commercial fishermen.

Spiny Lobster (Panulirus agrus)

One hundred percent of the spiny lobster that is commercially harvested in the United States comes from Florida. Florida's commercial spiny lobster fishery is concentrated mainly in South Florida, with approximately 90 percent of lobster harvested in the Florida Keys.

The spiny lobster fishery is jointly managed in federal waters by the Gulf of Mexico and the South Atlantic Fishery Management Councils. Most spiny lobster harvest, however, occurs in state waters, which are managed by FWC. Regulations that have been implemented to ensure the long-term sustainability of the spiny lobster fishery include: minimum size limits; closed seasons/areas; gear restrictions; and a trap limitation and permitting program.

In Florida, in order to commercially harvest spiny lobster, a person must possess a valid Saltwater Products License (SPL), which is Florida's commercial fishing license. Florida offers three types of SPLs depending on the needs of the fisherman. An "Individual SPL" authorizes

one individual person to engage in commercial fishing activities from the shore or a vessel. This SPL is not tied to any one vessel and is issued in the individual’s name. A “Crew SPL” is also issued in an individual’s name and it authorizes the named individual to engage in commercial fishing activities from the shore or a vessel. It also authorizes each person who is fishing with the named individual aboard a vessel to engage in such activities. This means the license holder can take a crew out on any vessel to harvest saltwater fish and the SPL covers the crew, as well. The final type of SPL is a “Vessel SPL.” This license is issued to a valid commercial vessel registration number and authorizes each person aboard that registered vessel to engage in commercial saltwater fishing activities. This license differs from the two previous SPLs because it is not issued in an individual’s name, but is rather tied to a specific vessel.

Below is a table showing the costs to purchase the various SPLs:

Saltwater Products Licenses	Cost
Saltwater Products License Individual Resident	\$50.00
Saltwater Products License Individual Nonresident	\$200.00
Saltwater Products License Individual Alien	\$300.00
Saltwater Products License Crew Resident	\$150.00
Saltwater Products License Crew Nonresident	\$600.00
Saltwater Products License Crew Alien	\$900.00
Saltwater Products License Vessel Resident	\$100.00
Saltwater Products License Vessel Nonresident	\$400.00
Saltwater Products License Vessel Alien	\$600.00

In addition to an SPL, a Restricted Species Endorsement (RS) is required to commercially harvest spiny lobster. There is no cost to acquire an RS. In order to acquire an RS, however, licensed commercial fishermen must qualify, or show proof of landings (actual saltwater products harvested, brought to shore, and sold) reported under their SPL providing that a specified amount or percentage of their total annual income (\$5,000 or 25 percent) during one of the past three years is attributable to reported landings and sales of saltwater products to a Florida wholesale dealer, unless they qualify under a statutory exemption from this proof of income requirement.

Finally, a commercial spiny lobster fisherman must also possess either a spiny lobster endorsement (C) or a lobster dive endorsement (CD) to harvest lobster commercially. The spiny lobster endorsement (C) allows fishers to harvest lobsters with traps or bully nets. The use of traps requires trap certificates (which may be purchased or transferred from another harvester) and the purchase of current year trap tags from the FWC (a current year trap tag must be permanently affixed to each trap that is used on or in state waters). There is no daily bag limit for lobsters harvested commercially with traps under the C endorsement. A daily vessel limit of 250 spiny lobsters applies when lobsters are harvested using bully nets under the C endorsement. A

lobster dive endorsement (CD) is required to harvest lobster in commercial quantities by diving, and can only be issued on a single vessel SPL. A 250 lobster per day vessel limit applies in Broward, Dade, Monroe, Collier, and Lee counties and adjoining federal waters when lobsters are harvested by diving under the CD endorsement. Trap certificates cannot be held by a person with a CD. CDs are currently only being issued to those who held a CD for 2004-2005. The cost of a spiny lobster endorsement for applicants who hold trap certificates is \$125, and \$100 for applicants who do not hold trap certificates (applies to persons harvesting lobsters with only a bully net or by diving pursuant to a CD endorsement).

Below are the numbers of commercial fishermen possessing a valid SPL, RS, and lobster endorsement in the past five years:

- FY 2008-2009 – 1,472
- FY 2009-2010 – 1,388
- FY 2010-2011 – 1,412
- FY 2011-2012 – 1,465
- FY 2012-2013 – 1,510

The commercial spiny lobster season runs August 6th through March 31st. Typically a large proportion of landings occur in the first several months of the season followed by a steady decline the rest of the season. Fishing effort, in many cases, also follow this trend. For example, in October many fishermen shift to harvesting stone crab, which contributes to decreased effort in the spiny lobster commercial fishery.

Spiny lobsters may be harvested recreationally during the recreational 2-day “sport season”, which occurs on the last consecutive Wednesday and Thursday of July each year, as well as during the regular open season which begins on August 6th and ends on March 31st of the following year. During the 2-day sport season, the following recreational bag limits apply: in Monroe County, up to 6 lobsters per harvester, per day; in all other state waters, up to 12 lobsters per harvester, per day. During the regular recreational spiny lobster season, the statewide recreational bag limit is 6 lobsters per harvester per day. Recreational harvesters are not permitted to use traps to harvest spiny lobsters. In addition to a recreational saltwater fishing license, a spiny lobster permit (also called a lobster stamp) is required to harvest lobster recreationally in all state waters. The costs of recreational saltwater fishing licenses as well as the spiny lobster permit are listed below:

Resident Recreational Saltwater Fishing Licenses	
Annual Saltwater Fishing	\$17.00
Youth Saltwater Fishing (Optional for children under the age of 16 and valid until 17th birthday - a fishing license is not required until age 16)	\$17.00
5-Year Saltwater Fishing	\$79.00

Saltwater/Freshwater Fishing Combo	\$32.50
Saltwater/Freshwater Fishing/Hunting Combo	\$48.00
Saltwater Shoreline License (not valid from a vessel, a shore reached by vessel or if swimming or diving and not required if you have any other valid resident saltwater fishing license listed here)	Free
Gold Sportsman's License (includes Saltwater Fishing, Hunting Freshwater Fishing licenses; and Snook, Lobster, Wildlife Management Area, Archery, Muzzleloading Gun, Crossbow, Deer, Turkey, and Florida Waterfowl permits)	\$100.00
Youth Gold Sportsman's License (Optional for children under the age of 16 and valid until 17th birthday - a fishing license is not required until age 16 - hunter safety certificate required - includes same licenses and permits as Gold Sportsman's License)	\$100.00
5-Year Gold Sportsman's License (includes Saltwater Fishing, Hunting and Freshwater Fishing licenses; and Snook, Lobster, Wildlife Management Area, Archery, Muzzleloading Gun, Crossbow, Deer, Turkey, and Florida Waterfowl permits)	\$494.00
Military Gold Sportsman's License (includes Saltwater Fishing, Hunting and Freshwater Fishing licenses; and Snook, Lobster, Wildlife Management Area, Archery, Muzzleloading Gun, Crossbow, Deer, Turkey, and Florida Waterfowl permits) (sold only at tax collector's office) (not available as 5-year) (only available to resident retired, and resident active duty, military)	\$20.00
Nonresident Saltwater Fishing Licenses	
Nonresident Annual Saltwater Fishing	\$47.00
Nonresident 3-Day Saltwater Fishing	\$17.00
Nonresident 7-Day Saltwater Fishing	\$30.00
Spiny Lobster Permits	
Annual Spiny Lobster Permit	\$5.00
5-Year Spiny Lobster Permit (Residents only)	\$25.00

During the past five fiscal years the following numbers of recreational spiny lobster permits were sold:

- FY 2008-2009 - 145,682
- FY 2009-2010 - 148,660
- FY 2010-2011 - 140,855

- FY 2011-2012 - 149,327
- FY 2012-2013 - 149,144

Stone Crabs

Gulf stone crabs (*Mennippe adina*) are mostly found in the Northern Gulf of Mexico from Texas to parts of the Florida Panhandle. Florida stone crabs (*Menippe mercenaria*) are found from the west central part of Florida south to the Florida Keys and around the peninsula to east central Florida, as well as in parts of the coasts off of South and North Carolina. In between the Gulf stone crab and Florida stone crab areas, a hybrid zone occurs where both species of stone crab occur and interbreed. The Florida commercial stone crab fishery provides 99 percent of all stone crab landings in the United States. Stone crabs are found along the Atlantic and Gulf Coasts but are commercially harvested almost entirely in Florida.

The stone crab fishery is unique in that only the claws are taken. The minimum claw size permitted to be harvested is 2 3/4-inches, and both claws can be removed if they are both legal size. The stone crab will regenerate new claws within 18 months and can regenerate its claws three to four times. Florida law prohibits the taking of whole stone crabs. Stone crabs must be returned to the water once the claws are removed.

Regulations provide for trap specifications and a trap limitation program. Stone crab claws may be harvested commercial and recreationally during the open season, which begins on October 15 and ends on May 15 of the following year.

As with spiny lobster commercial fishing, in order to take stone crabs commercially, a fisherman must possess a valid SPL and a valid RS. Commercial stone crab fishermen must also possess a stone crab endorsement, which costs \$125. The following numbers of stone crab endorsements were issued for the past five years:

- FY 2009-2009 – 1,385
- FY 2009-2010 – 1,323
- FY 2010-2011 – 1,353
- FY 2011-2012 – 1,412
- FY 2012-2013 – 1,430

Stone crabs are captured commercially with traps which are typically re-baited every other day. The use of traps requires the purchase or transfer of trap certificates and the purchase of current year trap tags from the FWC.

Stone crab claws can be harvested recreationally by anyone who has a recreational saltwater fishing license. There is no additional permit required for recreational stone crab harvest, so it is difficult to acquire accurate estimates of exactly how many people recreationally harvest stone

crabs. Recreational harvesters may use up to five stone crab traps to harvest stone crabs with a recreational saltwater fishing license.

The stone crab fishery is managed by the FWC in state waters and Atlantic federal waters and by the Gulf of Mexico Fishery Management Council in federal waters on the Florida Gulf coast out to 200 miles. The fact that only the claws are taken and the crab is not killed helps ensure the long-term sustainability of the fishery. Estimates for stone crab population distribution, abundance, and recruitment patterns have remained steady for the past 20 to 30 years.

Florida's West coast accounts for approximately 98 percent of the total Florida commercial stone crab landings in the state. The highest landings occur in Collier and Monroe counties, which typically account for more than 50 percent of the total statewide landings. Other counties with relatively high landings include Citrus, Pinellas, and Wakulla Counties, which together account for approximately 25 percent of the statewide landings.¹

III. Effect of Proposed Changes:

Section 1 amends s. 379.407, F.S., to provide that each spiny lobster or stone crab taken in violation of ch. 379, F.S., or the rules of the Fish and Wildlife Conservation Commission constitutes a separate and distinct offense. This section also conforms cross-references.

Section 2 amends s. 379.2431, F.S., to conform cross-references.

Section 3 provides that this act shall take effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹ Florida Fish and Wildlife Conservation Commission, *Senate Bill 194 Agency Analysis* (December 19, 2013) (on file with the Senate Agriculture Committee).

B. Private Sector Impact:

Commercial and recreational violators of the provision of this bill could be subject to significant additional penalties and fines, as each lobster or stone crab illegally taken will constitute a separate and distinct violation.

C. Government Sector Impact:

Indeterminate. There may be an initial increase in fines assessed due to the change in the definition of what constitutes a violation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 379.407 and 379.2431.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.