

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 955 Fish and Wildlife Conservation FWC

SPONSOR(S): State Affairs Committee; Agriculture & Natural Resources Subcommittee; and Goodson

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 1126

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|---|---------------------|------------|--|
| 1) Agriculture & Natural Resources Subcommittee | 12 Y, 0 N, As CS | Renner | Blalock |
| 2) Agriculture & Natural Resources Appropriations Subcommittee | 13 Y, 0 N | Massengale | Massengale |
| 3) State Affairs Committee | 16 Y, 0 N, As CS | Renner | Camechis |

SUMMARY ANALYSIS

The bill makes the following revisions related to various programs under the authority of the Florida Fish and Wildlife Conservation Commission (FWC):

- Allows a person who is required to take a boating safety course as a result of a boating violation to do so online; and specifies that people who must take the course because they were convicted of operating a vessel after consuming alcohol under the age of 21 must take the course at their own expense.
- Extends the pilot program for the mooring of vessels to July 1, 2017, and requires an updated report to be submitted to the Governor and Legislature on January 1, 2017.
- Allows counties to use their portion of vessel registration revenues for additional boating-related activities.
- Specifies that the annual military gold sportsman's license authorizes the same activities as the annual gold sportsman's license.
- Repeals the \$2 (under 18) and \$5 (18 and older) fee the FWC is authorized to charge for hunting on areas subject to cooperative agreements between the FWC and the U.S. Forest Service.
- Repeals the provision allowing any person that meets certain requirements to trawl for shrimp for personal food use in the St. Johns River, if noncommercial trawling is authorized by the FWC. Noncommercial trawling has not been authorized by FWC since 1996.
- Repeals the now outdated Special Recreational Spiny Lobster license.
- Repeals the \$50 fee associated with the statewide freshwater trawl seine gear license and the \$100 fee associated with the statewide haul seine gear license.
- Repeals the FWC's authority to issue haul seine and trawl permits used in Lake Okeechobee and collect fees.

The bill has a \$1,100 negative fiscal impact on the State Game Trust Fund in the FWC and a positive impact to the private sector from the repeal of the Okeechobee haul seine and trawl permit fees, and the statewide freshwater trawl and haul seine annual gear license fees. Although the bill does not increase county-retained vessel registration revenues, the bill allows for additional uses of the revenues. There may be an insignificant fiscal impact to the private sector as a result of authorizing online boater safety courses (see Fiscal Analysis and Economic Impact section for more details).

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Sections 1 and 3. Boater Safety Course Requirements

Present Situation

A person born on or after January 1, 1988, cannot operate a vessel powered by a motor of 10 horsepower or greater unless that person has in his or her possession aboard the vessel photographic identification and a boater safety identification card issued by the Florida Fish and Wildlife Conservation Commission (FWC) showing that he or she has:¹

- Completed a FWC-approved boater education course that meets the minimum 8-hour instruction requirement established by the National Association of State Boating Law Administrators;
- Passed a course equivalency examination approved by the FWC; or
- Passed a temporary certificate examination developed or approved by the FWC.

These courses can be taken in person, in a classroom setting, or can be completed online. Failure to comply with the boating safety education requirement is a noncriminal infraction and is punishable by a \$50 fine for a first offense.²

Section 327.355, F.S., provides that any person under the age of 21 who is convicted of being in control of a vessel with a breath-alcohol level of 0.02 or higher must enroll in, attend, and successfully complete a boating safety course that meets minimum standards established by the FWC by rule.³

Section 327.731, F.S., requires the following people to enroll in, attend, and successfully complete a boating safety course that meets minimum standards established by the FWC by rule:⁴

- A person convicted of a criminal violation of ch. 327, F.S., relating to vessel safety;⁵
- A person convicted of a noncriminal infraction under ch. 327, F.S., where the infraction resulted in a reportable boating accident;⁶ and
- A person convicted of two noncriminal infractions when the infractions occur within a 12-month period.⁷

These safety courses are considered Mandatory Education for Violators (MEV) and require a person to enroll in, attend, and successfully complete an in-person boating safety course.⁸ Currently, the

¹ Section 327.395(1), F.S.

² Section 327.395(7), F.S.

³ Section 327.355(5)(c), F.S.

⁴ Section 327.731(1)(a), F.S.

⁵ Criminal violations of ch. 327, F.S., include, but are not limited to: unlawfully leaving the scene of a boating accident; reckless operation of a vessel or personal watercraft; boating under the influence of alcohol or drugs; operating a vessel while the privilege to operate is suspended; skiing while impaired or under the influence; allowing a person under the age of 14 to operate a personal watercraft; vessel title or registration fraud; and altering or removing a hull identification number.

⁶ A reportable boating accident occurs when the operator of a vessel is in any manner involved in an accident resulting in: personal injury requiring medical treatment beyond first aid; the death of a person; the disappearance of a person under circumstances that indicate the possibility of death or injury; or damage to a vessel or other property that totals \$2,000 or more.

⁷ Section 327.73(1)(h)-(k), (m), (o), (p), and (s)-(x), F.S., defines noncriminal infractions to include violations relating to the following: careless operation; water skiing, aquaplaning, parasailing, and similar activities; interference with navigation; boating-restricted areas and speed limits; required safety equipment, lights, and shapes; a violation of navigation rules that does not result in an accident or that results in an accident not causing serious bodily injury or death, for which there are certain penalties; personal watercraft; boater safety education; operation of overloaded or overpowered vessels; divers-down flags; requirement for an adequate muffler on an airboat; and carelessly causing seagrass scarring, for which there are certain civil penalties upon conviction.

⁸ FWC 2014 Legislative Bill Analysis, February 21, 2014. On file with Agriculture & Natural Resources Subcommittee staff.

requirement may not be completed through an online course.⁹ The FWC may waive, by rule, attendance requirements for violators of this section residing in areas where a classroom presentation of the course is not available.¹⁰ There are approximately 500 boat operators who are required to complete MEV requirements each year.¹¹

Effect of Proposed Changes

The bill amends ss. 327.355 and 327.731, F.S., to allow a person who is required to take the boating safety course as a result of violating certain boating laws to do so online.

The bill also specifies that a person who must take the boating safety course because he or she was convicted of operating a vessel after consuming alcohol under the age of 21 must take the boating safety course at his or her own expense.

In addition, the bill eliminates the FWC's authority to provide waivers of the attendance requirement for violators residing in areas where classroom presentation of the course is not available. This provision would no longer be necessary since the boating safety class would be offered online.

Section 2. Pilot Program for the Regulation of Mooring Vessels Outside of Public Mooring Fields

Present Situation

Under current law, local governments are prohibited from regulating the anchoring of vessels (other than live-aboard vessels) outside of legally permitted mooring fields.¹² According to FWC, the unregulated anchoring and mooring leads to various problems, including:

- The accumulation of anchored vessels in inappropriate locations;
- Unattended vessels;
- Vessels with no anchor watch (dragging anchor, no lights, bilge);
- Vessels that are not properly maintained;
- Vessels ignored by owners that tend to become derelict; and
- Confusion in the interpretation of statutes that provide jurisdictional guidance for local governments.

In 2009, s. 327.4105, F.S., was enacted, creating the Anchoring and Mooring Pilot Program (program). The program directed the FWC, in consultation with the Department of Environmental Protection (DEP), to establish a pilot program to explore potential options for regulating the anchoring and mooring of non-live-aboard vessels outside the marked boundaries of public mooring fields in five locations around the state.¹³ The goals of the program are to encourage the establishment of additional public mooring fields and to develop and test policies and regulations that:

- Promote the establishment and use of public mooring fields;
- Promote public access to the waters of this state;
- Enhance navigational safety;
- Protect maritime infrastructure;
- Protect the marine environment; and
- Deter improperly stored, abandoned, or derelict vessels.

⁹ *Id.*

¹⁰ Section 327.731, F.S.

¹¹ FWC 2014 analysis, *supra* at footnote 8.

¹² Section 327.60, F.S.

¹³ The five locations include the City of St. Augustine, the City of St. Petersburg, the City of Sarasota, and Monroe County in partnership with the cities of Marathon and Key West, and Marion County in partnership with the City of Stuart.

The program also required a report to be submitted to the Governor and the Legislature by January 1, 2014. The program and all ordinances adopted under the program will expire on July 1, 2014, unless reenacted by the Legislature.

According to the FWC, the process of developing, approving, and adopting the local government ordinances was a more lengthy process than originally anticipated. The FWC met with boating and local government stakeholders in October 2013 to discuss the program findings and challenges that have affected the progress of the program. FWC's recommendation was to extend the program for an additional three years to July 2017.

Effect of Proposed Changes

The bill extends the pilot program to July 1, 2017, and requires an updated report to be submitted to the Governor and Legislature on January 1, 2017.

Section 4. County Vessel Registration Revenues

Present Situation

Current law¹⁴ defines a vessel¹⁵ to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. All vessels operated, used, or stored on state waters are required to be registered with the Florida Department of Highway Safety and Motor Vehicles as either commercial or recreational vehicles, with the following exceptions:¹⁶

- A vessel operated, used, and stored exclusively on private lakes and ponds;
- A vessel owned by the U.S. Government;
- A vessel used exclusively as a ship's lifeboat; or
- A non-motor-powered vessel less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.

Vessel registration fees are based on the length of the vessel as follows:¹⁷

- **Class A-1** – Less than 12 feet in length, except all canoes to which propulsion motors have been attached are included regardless of length: \$5.50 for each 12-month period registered.
- **Class A-2** – 12 feet or more and less than 16 feet in length; \$16.25 for each 12-month period registered. (County Portion: \$2.85 for each 12-month period registered).
- **Class 1** – 16 feet or more and less than 26 feet in length: \$28.75 for each 12-month period registered (County Portion: \$8.85 for each 12-month period registered).
- **Class 2** – 26 feet or more and less than 40 feet in length: \$78.25 for each 12-month period registered (County Portion: \$32.85 for each 12-month period registered).
- **Class 3** – 40 feet or more and less than 65 feet in length: \$127.75 for each 12-month period registered (County Portion: \$56.85 for each 12-month period registered).
- **Class 4** – 65 feet or more and less than 110 feet in length: \$152.75 for each 12-month period registered (County Portion: \$68.85 for each 12-month period registered).
- **Class 5** – 110 feet or more in length: \$189.75 for each 12-month period registered (County Portion: \$86.85 for each 12-month period registered).

The county portion of the vessel registration fee is part of the total fee (not in addition to) and is derived from recreational vessels only.

¹⁴ Section 327.02(39), F.S.

¹⁵ A vessel is synonymous with a boat, as referenced in Article VII, s. 1(b), of the Florida Constitution.

¹⁶ Section 328.48(2), F.S.

¹⁷ Section 328.72(1), F.S.

Section 328.72(15), F.S., specifies how vessel registration fees are distributed. The portion of vessel registration fees retained by the counties can only be used to provide:

- Recreational channel marking and other uniform waterway markers,
- Public boat ramps, lifts, and hoists;
- Marine railways; and
- Other public launching facilities, derelict vessel removal, and removal of vessels and floating structures deemed a hazard to public safety and health.

In 2006, HB 7175 was signed into law by the Governor¹⁸ and provided, in part, that counties must report annually, by November 1, to the FWC how all county-retained vessel registration revenues are spent, and if the report is not submitted by January 1, the county portion of the vessel registration fee revenues must be deposited into the Marine Resources Conservation Trust Fund. The FWC must return those fees to the county if the county complies with the reporting requirement within the calendar year. According to the FWC,¹⁹ all counties have complied with this reporting requirement, and no county portions of vessel registration fees have been deposited into the Marine Resources Conservation Trust Fund.

Effect of Proposed Changes

The bill amends s. 328.72, F.S., to allow counties to use their portion of vessel registration revenues for the following additional boating-related activities:

- Providing boat piers, docks, and mooring buoys;
- Maintaining or operating recreational channel marking and other uniform waterway markers; public boat ramps, lifts, and hoists; marine railways; boat piers; docks; mooring buoys; and other public launching facilities; and
- Removing derelict vessels and debris that specifically impede boat access (not including the dredging of channels).

Section 5. Fees to Hunt on Areas Subject to Cooperative Agreements between the FWC and the U.S. Forest Service

Present Situation

Pursuant to s. 379.2257(1), F.S., the Florida Legislature authorizes the FWC to enter into cooperative agreements with the U.S. Forest Service to manage species in designated national forests and to further better hunting on these lands. In addition, s. 379.2257(3), F.S., authorizes the FWC to charge, in addition to hunting license fees,²⁰ up to an additional \$5 for every person 18 years of age or older, and up to an additional \$2 for every person under the age of 18 for hunting on lands covered by the cooperative agreements. However, the FWC has not charged these fees since 1978.

The FWC also issues a management area permit for residents or nonresidents to hunt on lands owned, leased, or managed by the FWC.²¹ This permit is required to hunt on the lands covered by cooperative agreements between the U.S. Forest Service and the FWC that have been established as wildlife management areas. Revenue from these permits is used for the lease, management, and protection of lands for public hunting and other outdoor recreation. As a result, the permissible fees for hunting on areas covered by cooperative agreements between the U.S. Forest Service and the FWC are duplicative and obsolete.

Effect of Proposed Changes

¹⁸ Ch. 2006-305, L.O.F.

¹⁹ FWC 2014 analysis, *supra* at note 8.

²⁰ Section 379.354, F.S., provides the various fees for hunting licenses.

²¹ Section 379.354(8)(g), F.S.

The bill repeals s. 379.2257(3), F.S., which authorizes the FWC to charge the \$2 (under 18) and \$5 (18 and older) fees for hunting on areas subject to cooperative agreements between the FWC and the U.S. Forest Service discussed above. Because the FWC issues management area permits to hunt on these lands, the fees are duplicative and obsolete.

Section 6. Regulation of Shrimp Fishing

Present Situation

Section 379.247(5), F.S., authorizes any person to trawl for shrimp in the St. Johns River for his or her own food, if noncommercial trawling is authorized by the FWC, under the following conditions:

- Each person who desires to trawl for shrimp for use as food must obtain a noncommercial trawling permit from the local office of the FWC upon filling out an application on a form prescribed by the FWC and upon paying a \$50 fee for the permit.
- All trawling must be restricted to the confines of the St. Johns River proper in the area north of the Acosta Bridge in Jacksonville and at least 100 yards from the nearest shoreline.
- No shrimp caught by a person licensed under the provisions of this subsection may be sold or offered for sale.

In January 1996, the Marine Fisheries Commission (predecessor to the FWC) adopted a rule prohibiting the use of trawls in the recreational shrimp fishery.²² Trawls are only allowed for commercial harvest of shrimp, not for recreational harvest. As a result, noncommercial trawling permits have not been issued since the activity was prohibited in 1996.

Effect of Proposed Changes

The bill repeals s. 379.247(5), F.S., which establishes the permit requirement and \$50 fee for noncommercial shrimp trawling for personal food use in the St. Johns River. The activity has been prohibited since 1996 so the requirement is obsolete.

Section 7. Recreational Hunting and Fishing License Exemptions

Present Situation

A person who wants to recreationally hunt or fish in Florida must obtain a recreational license, permit, or authorization number and pay the appropriate fee.²³

Section 379.353(2), F.S., exempts specified individuals from having to possess a recreational license while hunting or fishing. Section 379.353(2)(g), F.S., provides an exemption for any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services (DCF), provided DCF furnishes proof.

In 2004, HB 1823 was signed into law by the Governor,²⁴ creating the Agency for Persons with Disabilities (APD) as an entity separate from DCF. The APD was subsequently tasked with serving the need of Floridians with developmental disabilities. Consequently, s. 379.353(2)(g), F.S., has an incorrect statutory reference.

Effect of Proposed Changes

The bill amends s. 379.353(2)(g), F.S., to fix the incorrect reference by changing DCF to APD.

The bill also conforms a related cross-reference.

²² Chapter 68B-31.007, F.A.C.

²³ Section 379.354, F.S.

²⁴ Ch. 2004-267, L.O.F.

Section 8. Resident Hunting and Fishing Licenses

Present Situation

Pursuant to s. 379.354(4), F.S., an annual gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the FWC, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, a deer permit, an archery season permit, a snook permit, or a spiny lobster permit.

An annual military gold sportsman's license is the same as an annual gold sportsman's license, except that the cost is \$18.50 compared to \$98.50 for the regular annual gold sportsman's license. However, only a resident who is an active or retired member of the United States Armed Forces, the United States Armed Forces Reserve, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve is eligible to purchase the military gold sportsman's license upon submission of a current military identification card.

Effect of Proposed Changes

The bill amends s. 379.354(4), F.S., to specify that the annual military gold sportsman's license authorizes the same activities as the annual gold sportsman's license.

Section 9. Special Recreational Spiny Lobster License

Present Situation

The spiny lobster can be harvested both recreationally and commercially in Florida. Spiny lobsters and stone crabs may be harvested recreationally by anyone who has a valid recreational saltwater fishing license.²⁵ The current recreational bag limit (the number of a species a person may legally harvest) for spiny lobster is six per person, per day during the regular recreational season, which runs from August 6 to March 31.²⁶ The special spiny lobster sport season occurs annually on the last consecutive Wednesday and Thursday of July.²⁷ Recreational fishermen may still only harvest six spiny lobsters per day in Monroe County or Biscayne National Park, but may harvest 12 spiny lobsters per day elsewhere. Recreational spiny lobster fishermen must possess a recreational saltwater fishing license and a lobster permit.

The commercial spiny lobster fishing season also runs from August 6 to March 31.²⁸ However, there is no daily bag limit for commercial spiny lobster fishermen using traps.²⁹ Commercial spiny lobster fishermen must possess a valid saltwater products license (SPL).³⁰ A saltwater product is defined as any species of saltwater fish, marine plant, or echinoderm, except shells, and salted, cured, canned, or smoked seafood.³¹

There are three types of SPLs in Florida:

- Individual SPL – This license authorizes one person to engage in commercial fishing activities from the shore or a vessel, is issued in the individual's name, and is not tied to any one vessel.³²

²⁵ See s. 379.354, F.S.

²⁶ Chapter 68B-24.005(1), F.A.C.

²⁷ Chapter 68B.005(2), F.A.C.

²⁸ Chapter 68B-24.005(1), F.A.C.

²⁹ For those in the dive fishing industry using bully nets, the commercial daily bag limit is 250.

³⁰ Section 379.361, F.S.

³¹ Section 379.101, F.S.

³² Section 379.354, F.S.

- Crew SPL – This license is the same as an individual SPL, but also authorizes each person who is fishing with the named individual aboard a vessel to engage in such activities. This allows the license holder to take a crew on any vessel and that crew is covered under the person’s SPL.³³
- 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 is issued to a vessel, not a named individual.³⁴

A restricted species (RS) endorsement is required for those who possess an SPL and commercially harvest or sell the following species: Spanish mackerel, king mackerel, black drum, spotted sea trout, grouper, snapper, red porgy, gray triggerfish, banded rudderfish, almaco jack, golden tilefish, amberjack, sea bass/tropical/ornamental “marine life,” black mullet, silver mullet, bluefish, hogfish, blue crab, stone crab, crawfish/spiny lobster, African pompano, Florida pompano, permit, sheepshead, tripletail, clams (Brevard County only), shrimp, flounder, cobia, wahoo, and dolphin.³⁵

A RS endorsement is free; however, licensed commercial fishermen, firms, or corporations must qualify or show proof of landings 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.³⁶

In 1994, the spiny lobster was designated a RS.³⁷ That same year the Florida Legislature created the “special recreational crawfish license,” which is now known as the “special recreational spiny lobster license” (SRL).³⁸ The license, which costs \$100, was created to allow individuals who possessed an SPL and a crawfish endorsement on their SPL (and who were legally able to harvest and sell lobster commercially) to exceed the recreational bag limit for personal use. To be eligible, a person must have held both an SPL and a crawfish endorsement during the 1993-1994 license year, and only those initially qualified to purchase the license were allowed to receive the license.

After the creation of the SRL, a new recreational spiny lobster rule was implemented, which³⁹ established a daily bag limit beginning with 50 during the 2003-2004 season to phase out the SRL. The SRL was only given to certain commercial fishermen so that their bag limit could exceed the recreational bag limit for personal use. Each subsequent year’s daily bag limit for the SRL was reduced by five, and by the 2012-2013 license year, the SRL bag limit was less than the daily recreational bag limit, which is currently six. Consequently, this eliminated any reason for a person to obtain an SRL and no SRLs were issued for the 2012-2013 season.

Effect of Proposed Changes

The bill repeals s. 379.355, F.S., relating to the now outdated and unnecessary Special Recreational Spiny Lobster license.

Section 10. Annual Gear License Fee

Present Situation

Under current law, all commercial fishing operators permitted to fish in freshwaters with trawl seine nets (bag-like nets that are pulled behind a boat to harvest fish)⁴⁰ are required to pay a \$50 annual gear license fee.⁴¹ All commercial fishing operators permitted to fish in freshwaters with haul seines (long

³³ *Id.*

³⁴ *Id.*

³⁵ Chapter 68B, F.A.C.

³⁶ Section 379.361(b), F.S.

³⁷ Chapter 68B-24.001(4), F.A.C.

³⁸ Section 379.355, F.S.

³⁹ Chapter 68B-24.0035, F.A.C.

⁴⁰ FWC 2014 analysis, *supra* at footnote 8.

⁴¹ Section 379.363(1)(h), F.S.

nets pulled by boats to harvest fish)⁴² must pay a \$100 annual gear license fee.⁴³ Both fees have been unchanged since 1978.

The FWC issues five statewide freshwater haul seine annual gear licenses each year, which are currently limited to use in Polk and Hillsborough Counties. An FWC rule dictates the number of statewide freshwater haul seines and the locations. The FWC has not issued a statewide trawl seine license in more than 25 years.

Effect of Proposed Changes

The bill amends s. 379.363, F.S., to repeal the \$50 fee associated with the statewide freshwater trawl seine gear license and the \$100 fee associated with the statewide haul seine gear license.

Section 11. Haul Seine and Trawl Permits Used in Lake Okeechobee.

Present Situation

The FWC is authorized to issue permits for the commercial use of haul or trawl seines on Lake Okeechobee.⁴⁴ Fees for the three types of permits, which have not changed since 1976, are as follows:

- Resident trawl seine permit - \$50
- Resident haul seine permit - \$100
- Nonresident trawl or haul seine permit - \$500

Currently, the FWC issues six resident haul seine permits for commercial activity on Lake Okeechobee. Permits for resident trawl seines for commercial activity have not been issued in more than 30 years and a nonresident trawl or haul seine permit has never been issued.⁴⁵

For commercial fishers on Lake Okeechobee, the haul and trawl seine permit fees are required in addition to purchasing a freshwater commercial fishing license and a fish dealer's license (see above for license fees and numbers issued).

Effect of Proposed Changes

The bill repeals s. 379.3635, F.S., relating to haul seine and trawl permits and fees used in Lake Okeechobee. Pursuant to their constitutional authority, the FWC currently requires permits to use a trawl and haul seine on Lake Okeechobee. Therefore, the bill will only eliminate the fees, not the permitting requirements.

Sections 12, 13, and 14 Conform Cross-References

Section 15 Provides an Effective Date of July 1, 2014

B. SECTION DIRECTORY:

Section 1. Amends s. 327.355, F.S., relating to the operation of vessels by persons under 21 years of age who have consumed alcoholic beverages.

Section 2. Amends s. 327.4105, F.S., relating to the pilot program for the regulation of mooring vessels outside of public mooring fields.

Section 3. Amends s. 327.731, F.S., relating to mandatory education for violators.

⁴² FWC 2014 analysis, *supra* at footnote 8.

⁴³ Section 379.363(1)(i), F.S.

⁴⁴ Section 379.3635, F.S.

⁴⁵ *Supra* at footnote 8.

Section 4. Amends s. 328.72, F.S., relating to classification, registration, fees and charges, surcharges, disposition of fees, fines, and marine turtle stickers.

Section 5. Repeals s. 379.2257, F.S., relating to a charge to be applied to areas covered by the cooperative agreements with the U.S. Forest Service.

Section 6. Amends s. 379.247, F.S., relating to the regulation of shrimp fishing.

Section 7. Amends s. 379.353, F.S., relating to the recreational hunting and fishing license exemption.

Section 8. Amends s. 379.354, F.S., relating to Resident Hunting and Fishing Licenses.

Section 9. Repeals s. 379.355, F.S., relating to the Special Recreational Spiny Lobster license.

Section 10. Repeals s. 379.363, F.S., relating to the annual gear license fee.

Section 11. Repeals s. 379.3635, F.S., relating to haul seine and trawl permits used in Lake Okeechobee.

Section 12. Amends s. 379.101, F.S., conforming cross-references.

Section 13. Amends s. 379.208, F.S., conforming cross-references.

Section 14. Amends s. 379.401, F.S., conforming cross-references.

Section 15. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

FWC offered the following:

Fees to hunt on areas subject to cooperative agreements between FWC and the US Forest Service—The FWC has not charged these fees since 1978 so there would be no fiscal impact as a result of repealing the fee requirement.

Noncommercial shrimp fishing in the St. Johns River permit fees—This activity has been prohibited since 1996 so there would be no fiscal impact as a result of repealing the fee requirement.

Special recreational spiny lobster license fee—Because the special license has not been issued since the 2011-2012 season, there is no fiscal impact as a result of repealing the license fee.

Statewide freshwater trawl and haul seine annual gear license fees—The bill has a potentially insignificant negative fiscal impact on the FWC as a result of repealing the statewide trawl and haul seine annual gear license fees. Five licenses are issued each year, resulting in a \$500 annual loss of revenue to the State Game Trust Fund for the FWC.

Haul seine and trawl permits used in Lake Okeechobee—The bill appears to have an insignificant negative fiscal impact on the FWC as a result of repealing the Okeechobee haul seine and trawl permit fees. Six licenses are issued annually and each license is \$100 per year, resulting in a \$600 annual loss of revenue to the State Game Trust Fund for the FWC.

2. Expenditures:

The bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

Although the bill does not increase county-retained vessel registration revenues, the bill allows for additional uses of the revenues.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR

The FWC offered the following:

Boater safety course requirements—There may be a small negative fiscal impact on organizations that offer only classroom, in-person courses, but these entities will have the option of making the course available online. It is anticipated that any fiscal impact to these organizations will be minimal. Students taking courses to meet mandatory education requirements make up a small part of the organizations' student load.

Those individuals who will be subject to MEV requirements may experience a small positive fiscal impact since the cost to the student for an MEV classroom course ranges from \$30 to \$50 and the cost to a student for online courses ranges from free to \$30. For some of these violators, the positive fiscal

impact may be even larger since, under current law, they may be required to travel longer distances to find a classroom course to comply with the statute.

Statewide freshwater trawl and haul seine annual gear license fees—Eliminating these fees would result in a \$100 annual positive fiscal impact for commercial fishermen.

Okeechobee haul seine and trawl permit fees—Eliminating these fees would result in a \$100 annual positive fiscal impact for commercial fishermen.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or require additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 11, 2014, the Agriculture & Natural Resources Subcommittee adopted one amendment and reported the bill favorably with a committee substitute. The amendment removes all language pertaining to the requirement to obtain a hunting license for the taking of wildlife on public lands, such as wild hogs. The amendment reverts the definition of “game” back to current language that specifies a person is not required to have a hunting license to hunt those species that have not been designated as “game” by FWC, such as wild hogs. The amendment also removes the definition of “wildlife.”

On April 4, 2014, the State Affairs Committee adopted one amendment and reported the bill favorably with a committee substitute. The amendment is technical and removes a cross-reference.