

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB ENRC 07-07 Florida Fish & Wildlife Conservation Commission  
**SPONSOR(S):** Environment & Natural Resources Council  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB1980, SB1982

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Environment & Natural Resources Council	10 Y, 0 N	Zeiler	Hamby
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
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**SUMMARY ANALYSIS**

The bill addresses several issues regarding the Florida Fish and Wildlife Commission (FWC). The bill requires FWC to publish its due process procedures verbatim rather than by reference, and clarifies the Legislature’s statutory authority over marine life.

The bill raises the fee for the Sea Turtle license plate, and provides the FWC additional authority over the use of revenues generated from the sale of Florida Panther, Large Mouth Bass, and Manatee License Plates.

The bill expands the purposes of the Marine Resources Conservation Trust Fund including authorizing the deposit of revenues from the blue crab regulatory program.

The bill amends the blue crab regulatory program, including:

- creating new “endorsement fees” for blue crabs;
- requiring a portion of the new endorsement fees to be used for the trap retrieval program;
- requiring an annual fee for each blue crab trap tag;
- establishing fines and penalties for violation of the provisions of the blue crab regulatory program, including untagged traps, and;
- requiring that all the funds from fees and penalties relating to the blue crab program be deposited in the Marine Resources Conservation Trust Fund.

The bill provides additional administrative penalties for any person forging or unlawfully bartering spiny lobster trap tags or certificates and provides consist terminology when referring to spiny lobster and related endorsements.

The bill requires legislative approval for FWC rules establishing a fee for equitable rent for partial compensation for enhanced access to the state’s natural resources.

The bill expands the current trap retrieval program to include traps for blue crabs and black sea bass as types of trap retrieved by the program.

The bill allows the FWC to defer or waive replacement trap tag fees for the commercial blue crab, commercial stone crab, and commercial spiny lobster fisheries, in the event of a declared emergency by the Governor.

The bill increases fees for recreational fishing and hunting licenses for residents and non-residents and increases fees for specialty permits for wild turkey, water fowl, and snook.

The fiscal impact of the bill is indeterminate, but it should have a significant positive impact on trust fund revenues. The bill also waives all blue crab fishery fees for the 2007-08 license year which will reduce some revenues, and it appropriates \$132,000 from the Marine Resources Conservation Trust Fund to pay for program, tags, and administrative costs associated with the blue crab management effort and its advisory board.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Ensure Lower Taxes** – The bill imposes a new fee on commercial harvesters of blue crabs and creates a new non-resident fishing license (3 day), as well as, increases the fees charged for resident and non-resident fishing and hunting licenses.

**Promote Personal Responsibilities** - The bill creates a limited entry fishery whose participant pay the fees that support the administration of the program, related enforcement activities, and research and monitoring activities that are intended to benefit the species and in turn the fishery.

#### B. EFFECT OF PROPOSED CHANGES:

##### Due Process

During 2006, the FWC incorporated their due process procedures into their rules by reference. Effective July 19, 2006, chapter 68-1.001(2) F.A.C. reads “The due process procedures adopted by the Commission on July 7, 1999, are incorporated herein by reference.” This requires further research by an interested party to ascertain the actual due process procedures of the FWC.

The bill amends s, 20.331, F.S., and requires such procedures to be adopted verbatim, thereby eliminating a need for interested parties to go to multiple sources to ascertain the requirements of FWC. The bill affirms the legislature’s retention of authority over certain marine life that was not conferred to the FWC by Florida’s Constitution.

##### Constitutional authority of Fish and Wildlife Conservation Commission

In 1998, Florida voters amended Florida’s Constitution, creating the FWC and granting the FWC the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and regulatory and executive powers of the state with respect to marine life, except 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. Florida’s Constitution, Art. IV, § 9, further states “the jurisdiction of the marine fisheries commission as set forth in statutes in effect on March 1, 1998, shall be transferred to the Fish and Wildlife Conservation Commission. The jurisdiction of the marine fisheries commission transferred to the commission shall not be expanded except as provided by general law.” The Florida Supreme Court has ruled that FWC’s constitutional authority over marine life does not extend to endangered or threaten species. The court based its ruling on the fact that the constitutional amendment which created the FWC did not confer authority over all marine life, only such authority that rested with the Marine Fishery Commission as of March 1, 1998 (Caribbean Conservation Corp., Inc. v. Florida Fish and Wildlife Conservation Com’n, 838 So.2d 492 (Fla. 2003)). Since that time, considerable debate has taken place over what constitutes FWC’s constitutional authority versus its statutory responsibilities.

Currently s. 370.25(4), F.S., acknowledges FWC’s authority over all marine life with specific exceptions. This provision unnecessarily limits the legislature’s authority, including the Joint Administrative Procedures Committee’s authority to review FWC’s rules.

The bill repeals s. 370.25(4), F.S..

##### Specialty License Plate

Revenues generated from the sales of specialty license plates are directed towards specific activities.

Revenues generated from the sale of Sea Turtle license plates are distributed as follows: 1) the first \$500,000 is deposited in the FWC’s Marine Resources Conservation Trust Fund for the Florida Marine Turtle Protection Program to conduct sea turtle protection, research, and recovery programs; 2) the next \$215,000 is distributed to the Caribbean Conservation Corporation (CCC) to fund sea turtle research and education programs through a Sea Turtle Grants Program (up to 15 percent may be expended for administrative costs directly associated with the grants program, and up to 10 percent

may be used to promote and market the Sea Turtle license plate); 3) additional annual revenues are distributed as follows: a) 70 percent for the Florida Marine Turtle Protection Program for sea turtle conservation activities and b) 30 percent to the CCC for the Sea Turtle Grants Program. The CCC is prohibited from using funds for litigation purposes.

Revenues generated from the sale of Florida Panther License Plates are distributed and authorized as follows: 85% to the Florida Panther Research and Management Trust Fund for education and programs to protect the endangered Florida panther and 15%, but not less than \$300,000, to the Florida Communities Trust Fund for purposes of the Florida Communities Trust Act (Chapter 380, Part III).

All revenues generated from the sale of Largemouth Bass License Plates are deposited in the State Game Trust Fund. These revenues are to fund conservation programs that maintain the protection and management of the state's fish and wildlife resources, including providing hunting, fishing, and nonconsumptive wildlife opportunities.

All revenues generated from the Manatee License Plate are deposited into the Save the Manatee Trust Fund for conducting manatee population counts; evaluating and developing manatee protection measures; providing manatee and marine mammal recovery efforts; manufacturing and erecting informational and regulatory signs; producing and distributing educational materials; and participating in manatee and marine mammal research programs.

Currently, the promotion and marketing of the sales of specialty licenses are not statutorily authorized activities for the Florida Panther, Large Mouth Bass and Manatee license plates revenues.

The bill raises the fee for the Sea Turtle license plate from \$17.50 to \$23.00. The bill authorizes the FWC to utilize up to 10% of the revenues generated from the sale of Florida Panther, Large Mouth Bass and Manatee license plates for the promotion and marketing of such plates. The FWC anticipates the promotion of these specialty license plates will generate additional support and funds for the previously mentioned authorized activities. The bill also provides the FWC authority to utilize funds in the Save the Manatee Trust Fund to buy back unissued Manatee license plates. The FWC has a redesigned Manatee license plate and the redesigned plate is intended to increase sales.

## Blue Crabs

### *Background*

During the 1998 Session, concerns about the rapidly increasing number of traps in the blue crab fishery and their stress on the natural resource resulted in a legislative moratorium on the issuance of new blue crab endorsements. A moratorium was established to allow for the completion and adoption of the blue crab management program. This moratorium has been extended three times by the FWC. The most recent extension is effective until July 1, 2007.

In 2003, the FWC Division of Marine Fisheries Management (MFM) assembled a 15 member industry advisory board made up of harvesters and wholesale dealers, the *ad hoc* Blue Crab Advisory Board (BCAB), to develop an effort management program.

The BCAB endorsed the adoption of an effort management program that would limit the total number of participants in the fishery, with an equal number of traps available to each endorsement. The BCAB further recommended separating the hard shell blue crab fishery from the soft shell blue crab fishery and creating a distinct endorsement for each fishery.

In order to qualify for a hard shell crab endorsement, an applicant must demonstrate reported hard shell blue crab landings of 500 pounds on their Saltwater Product License (SPL) during any one of the qualifying years (license year 2000-2001, 2001-2002, or 2002-2003). In order to qualify for additional hard shell crab endorsements, an applicant must demonstrate reported landings of at least 7,500 pounds on any of their additional SPL during any one of the qualifying years. Each qualified hard shell crab endorsement can receive up to 600 trap tags, which can be used anywhere, and an additional 400 traps for offshore waters of the Gulf of Mexico.

In order to qualify for a soft shell crab endorsement, an applicant must demonstrate reported soft shell or peeler blue crab landings of 750 crabs (count quantity) on their SPL during any one of the qualifying years. In order to qualify for an additional soft shell crab endorsement on one additional SPL, an applicant must demonstrate reported landings of 2,500 crabs. Each qualified soft shell crab

endorsement can receive up to 400 trap tags with an additional 250 tags for a subsequent qualified endorsement.

After the initial allotment, traps could be traded or sold between participants.

In addition to the BCAB recommendation, the FWC developed an additional endorsement to accommodate commercial fishermen affected by the Net Limitation Amendment who had a blue crab endorsement but no qualifying landings. The FWC also addressed commercial fisheries (shrimp, stone crab) in which blue crab harvest is permitted as a bycatch. In the years prior to the moratorium, blue crab endorsements were provided to the aforementioned commercial fisheries at no additional costs and were renewed over the years as additional fishery options. FWC elected to allow qualified commercial fishermen affected by the Net Limitation Amendment to be issued a non-transferable blue crab endorsement (V-N) that allows up to 100 trap tags. FWC has permitted a blue crab bycatch in shrimp trawls (200 pounds per day) since 1993 and a nominal amount of blue crabs have historically been landed as bycatch from stone crab traps. FWC established an incidental take endorsement (V-I) to allow the incidental harvest, possession, and sale of 200 pounds of blue crabs from shrimp trawls and stone crab traps.

In 2005, the FWC held its final public hearing and approved the establishment of the Blue Crab Limited Entry Endorsement Program (Rule 68B-45.007, Florida Administrative Code).

Pursuant to Chapter 68B-45.007, F.A.C., an applicant must possess a valid saltwater products license, a valid restricted species endorsement, and a blue crab endorsement number in order to commercially harvest blue crabs. Applications are due by September 30, 2007.

#### *Hard Shell Blue Crab Endorsement (Qualification and Allotments)*

- Documented landings of hard shell blue crab equal to or greater than 500 pounds during any one of the qualifying years (license years 2000-2001, 2001-2002, and 2002-2003).
- Entitled to deploy up to 600 hard shell blue crab traps in any state waters and an additional 400 hard shell blue crab traps in offshore state waters in the Gulf of Mexico.
- Allowed to land a maximum bycatch of 150 peeler (soft shell) crabs daily and operate up to three peeler crab shedding tanks.

#### *Soft Shell Blue Crab Endorsement (Qualification and Allotments)*

- Documented landings of soft shell or peeler blue crabs equal to or greater than 750 crabs during any one of the qualifying years (license years 2000-2001, 2001-2002, and 2002-2003).
- Entitled to fish up to 400 peeler crab traps in state waters and an additional 250 peeler crab traps, if the applicant harvested landings equal to or greater than 2,500 crabs during any one of the qualifying years.

#### *Non-transferable Blue Crab Endorsement Program (Qualification and Allotments)*

- A displaced net fisherman or a person who sold nets to the state under the net buy back program who is not eligible for either the hard or soft shell endorsement, who has had no convictions for gear violation since 1995.
- May purchase up to 100 hard shell blue crab trap tags.

#### *Current Law*

Section 370.135, F.S., currently addresses the regulatory requirements for the commercial harvesting of blue crabs. Pursuant to s. 370.135(1), F.S., blue crabs may not be taken using a trap unless the person, firm or corporation setting the trap holds a valid saltwater products license issued by the FWC pursuant to s. 370.06, F.S., and the trap has a current state number, at least one inch high, permanently attached to the buoy used to mark the trap. Under s. 370.135(1), F.S., it is a third degree felony for anyone to willfully molest any trap, line or buoy that belongs to another without the express written permission of the trap owner. Any person convicted for such a violation, in addition to the penalties specified in s. 370.021, F.S., (general penalties for violations of FWC rules), shall lose all saltwater fishing privileges for a period of 24 calendar months. It is also unlawful and constitutes theft to remove the contents of another harvester's trap or to take possession of such a trap without the express written permission of the trap owner. Any commercial harvester convicted of a theft violation, in

addition to the penalties specified in s. 370.021, F.S., permanently loses all saltwater fishing privileges, and endorsements, and is assessed an administrative penalty of up to \$5,000. Current law allows the FWC to establish by rule an amount of equitable rent for enhanced access to the state's natural resources. Final rule adoption is subject to the review and approval of the Governor and Cabinet sitting as the Board of Trustees.

#### *Effect of Bill*

The bill establishes the following fees:

- Hard-Shell Blue Crab Endorsements - \$125, of which \$25 dollars must be used solely for the trap retrieval program.
- Soft-Shell Blue Crab Endorsements - \$250, of which \$25 dollars must be used solely for the trap retrieval program.
- Nontransferable Hard-Shell Blue Crab Endorsements - \$125, of which \$25 dollars must be used solely for the trap retrieval program.
- Incidental-take Blue Crab Endorsements - \$25 (for shrimpers and stone crabbers).
- Trap tags - \$.50 cents per tag, replacement tags are \$.50 cents plus shipping costs.

The bill requires a commercial harvester of blue crabs to possess a saltwater product license, a restricted species endorsement, and a blue crab endorsement in order to commercially harvest blue crabs. Each commercial blue crab trap is to have the harvester's blue crab endorsement number permanently affixed to the trap (trap tag) with a buoy attached to the trap with the same harvester's blue crab endorsement number permanently affixed to the buoy (trap tag) and the buoy is to be marked with harvester's blue crab endorsement number in 2 inch high figures.

The bill provides penalties for untagged blue crab traps. For the first violation of the requirements regarding trap tags, the violator will be subject to an administrative penalty of up to \$1,000. For subsequent violations, the violator is subject to increasing administrative penalties (up to \$5,000) and suspension of their blue crab fishing privileges (up to revocation). Violators have 30 days to pay the administrative penalties or request an administrative hearing.

The bill revises the penalties for theft from blue crab traps. For commercial harvesters, the violator permanently loses all saltwater fishing privileges, blue crab endorsements and tags, and is assessed an administrative penalty (up to \$5,000). For all others, the violator commits a Level 2 violation under s. 372.83, F.S., a second degree misdemeanor for first time violators.

The bill makes certain activities criminal, including:

- Molesting blue crab traps, buoys and lines.
- Bartering, trading, leasing, or selling a blue crab trap tag or conspiring or aiding in such barter, trade, lease, or sale unless duly authorized by commission rules.
- Supplying, agreeing to supply, aiding in supplying, or giving away a blue crab trap tag unless duly authorized by commission rules.
- Making, altering, forging, counterfeiting, or reproducing a blue crab trap tag.
- Possessing an altered, forged, counterfeit, or imitation blue crab trap tag.
- Possessing a number of original trap tags or replacement trap tags, the sum of which exceeds by 1 percent the number of traps allowed by commission rules.
- Engaging in the commercial harvest of blue crabs while the blue crab endorsements of the licenseholder are under suspension or revocation.

The bill provides the penalties for such criminal activities. A commercial harvester convicted of such violation commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S., and is also assessed an administrative penalty of up to \$5,000. The commercial harvester is immediately prohibited from transferring any blue crab endorsement and may have their blue crab endorsements suspended for a period of up to 24 calendar months. Any other person convicted commits a Level Four violation under s. 372.83, F.S., a felony of the third degree.

Any person convicted of fraudulently reporting the actual value of transferred blue crab endorsements may have his/her blue crab endorsements automatically suspended or revoked by the FWC. If an endorsement is permanently revoked, the FWC must also permanently deactivate the endorsement holder's blue crab trap tag accounts. All traps subject to a suspended or revoked endorsement must be removed from the water within 15 days from notice by the FWC. Failure to do so will result in a 6 month extension of the suspension or revocation.

Similar to spiny lobster and stone crab regulations, the bill authorizes the FWC to establish by rule an amount to charge as equitable rent as a partial compensation for enhanced access to the state's natural resources. For such a rule becomes effective, it requires the approval of the legislature.

The fee and penalty provisions of the blue crab program sunset July 1, 2009, unless reenacted by the legislature during the 2009 regular session.

The bill appropriates \$132,000 from the Marine Resources Conservation Trust Fund in order to pay for the trap tags, administrative and program costs associated with the blue crab management effort and its advisory board.

## Spiny Lobster

### *Background*

The spiny lobster trap certificate program was established by statute (s. 370.142, F.S.) in 1990 to stabilize commercial harvesting by reducing the total number of traps. The goals of the program were to protect the spiny lobster, to increase the yield per trap, and to maintain or increase overall catch levels. The program was implemented in response to rapid growth of the commercial harvesting of the spiny lobster and associated problems of increased congestion and conflict on the water, excessive mortality of undersized lobsters, a declining yield per trap, and public concern over petroleum and debris pollution. The number of traps in the fishery was capped at 750,327 and commercial harvesters were allocated their share of allowable traps on the basis of their historical landings. Each commercial harvester received one trap tag for each trap certificate on record in their file. Only spiny lobster traps bearing a trap tag issued by the FWC may be harvested. A commercial harvester may buy or sell trap certificates on the open market.

### *Current Law*

Section 370.14, F.S., establishes the regulatory requirements for taking spiny lobsters (crawfish) and requires any person taking or attempting to take a crawfish with a trap in commercial quantities to obtain and exhibit a crawfish trap number as required by the FWC. Pursuant to s. 370.142, F.S., the FWC established rule 68-24B, F.A.C., a "trap certificate program" for the spiny lobster fishery and is responsible for its administration and enforcement. Each person who holds a saltwater products license who uses traps for taking spiny lobsters is required to have a certificate on record for each trap that is used. In addition, each trap must have affixed to it an annual tag issued by the FWC. Section 370.142(2)(c), F.S., provides for prohibitions and penalties regarding violations relating to the spiny lobster trap certificate program. Specifically, it is unlawful for a person to:

- possess or use a spiny lobster trap without the required certificate and tag;
- molest a trap or remove its contents;
- forge a trap certificate or tag; or
- barter, trade, sell, supply a trap certificate or tag.

Current law allows the FWC to establish by rule an amount of equitable rent for enhanced access to the state's natural resources. Final rule adoption is subject to the review and approval of the Governor and Cabinet sitting as the Board of Trustees.

### *Effect of Bill*

The bill provides clarity and uniformity in the terminology of the spiny lobster regulatory program. The bill deletes obsolete language regarding initial trap certificate allocation. The bill removes the license suspension penalty for a first time violator of spiny lobster regulations. The bill provides that any person who receives a judicial disposition other than an acquittal or dismissal for a violating the prohibitions against forging or bartering spiny lobster trap tags or certificates (s. 370.142(2)(c)5, F.S.) shall be assessed an administrative penalty of up to \$5,000, and the person's crawfish endorsement may be

suspended for up to 24 months. The bill provides that the FWC may waive replacement trap tag fees in the event the event of a major natural disaster within those area declared by the Governor to be a disaster area. The bill would require an act of the legislature before rules establishing fee for equitable rent for enhanced access to natural resources become effective and no longer requires the approval of the Board of Trustees.

### Trap Retrieval Program

#### *Background*

Spiny lobster season ends on March 31 each year; stone crab season ends on May 15. Commercial harvesters are required to remove their traps from the water during the closed season. Traps are left in the water at the close of season for several reasons: (1) they were moved by currents or dragged by boats and lost to the owner; (2) the owner is either unable to bring them in, e.g. because of illness, a mechanical problem with his boat, etc.; or (3) chooses to not retrieve them; or (4) the owner may intend to continue fishing. Traps left in the water pose two basic problems: they continue to catch product, much of which dies, and they have the potential to be illegally fished. Also, traps that are left in the water can end up as "derelict traps" or "trap debris", swept shoreward by currents into mangrove forests, shallow water flats, grass beds and marsh areas.

While spiny lobster and stone crab seasons have long had specific closures, the blue crab season has been opened year round, until recently. In 2003, the Commission closed the blue crab fishery in an area north and west of the Suwannee River seaward of a line three nautical miles from shore for the 14 days prior to stone crab season. In 2004, the 14-day closure zone was extended to the entire Gulf Coast, seaward of the three-nautical-mile line. The principal reason for excluding blue crab traps from waters beyond the three mile line is to preclude the possibility that such traps could be used to collect stone crab immediately prior to the beginning of the stone crab fishing season.

In 2003, the Commission adopted guidelines for trap retrieval and trap debris removal. Definitions apply to spiny lobster, stone crab, and blue crab traps, and a closed season now exists for all three fisheries.

#### *Current Law*

Section 370.143, F.S., authorizes the FWC to implement a trap retrieval program for retrieval of spiny 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 (after the first five). 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. The revenue from retrieval fees is deposited into the Marine Resources Conservation Trust Fund and is 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.

#### *Effect of Bill*

The bill adds blue crab and black sea bass traps to the FWC's existing trap retrieval program.

### Marine Resources Conservation Trust Fund

The bill expands uses of the trust fund to include funding for the stone crab, blue crab, and spiny lobster regulatory programs, including the trap retrieval program. The trust fund is also designated as the depository of any fees or fines collected from these programs.

### Fees for Recreational Hunting and Fishing Licenses

The bill provides clarity to the current exemptions from fees and requirements for recreational fishing license. The bill increases the fees for recreational hunting and fishing licenses for both residents and non-residents, and increases the fees for specific recreational activities permits. With the exception of the snook permit fee, the revenues generated by the fee increases are directed towards the same activities funded prior to the increase. Twenty percent of the funds generated by the snook permit fee shall be used exclusively for programs to benefit the snook population while the remaining portion is to be used as provided in s. 372.5701, F.S.. Currently, all funds collected for the snook permit are used exclusively for programs that benefit the snook population.

RESIDENT

<u>Annual</u>	Current Fee	Proposed Fee
Freshwater fishing license	\$12.00	\$15.50
Saltwater fishing license	\$12.00	\$15.50
Hunting license to take game	\$11.00	\$15.50
Hunting/freshwater fishing license	\$22.00	\$31.00
Freshwater/saltwater fishing license	\$24.00	\$31.00
Hunting/freshwater fishing/saltwater fishing license	\$34.00	\$49.50
Sportsman license	\$71.00	\$79.00
Annual gold sportsman's license	\$87.00	\$98.50
<u>Five Year</u>		
Freshwater fishing or saltwater fishing license	\$60.00	\$77.50
Hunting license	\$55.00	\$77.50

NON-RESIDENT

Freshwater fishing license (3 consecutive days)	(new license)	\$15.50
Freshwater fishing license (7 consecutive days)	\$15.00	\$29.50
Saltwater fishing license (3 consecutive days)	\$5.00	\$15.50
Saltwater fishing license (7 consecutive days)	\$15.00	\$29.50
Annual freshwater fishing license	\$30.00	\$46.50
Annual saltwater fishing license	\$30.00	\$46.50

Specified Recreational Activity Permits

Waterfowl	\$3.00	\$10.00
Turkey	\$5.00	\$10.00
Snook	\$2.00	\$10.00

C. SECTION DIRECTORY:

**Section 1.** Amends s. 20.331, F.S., to require the FWC to publish its due process procedures verbatim and to clarify the legislature's statutory authority over marine life.

**Section 2.** Amends s. 320.08056, F.S., to raise the fee for the Sea Turtle license plate from \$17.50 to \$23.

**Section 3.** Amends s. 320.08058, F.S., to provide the FWC additional authority for the use of revenues generated by the Manatee, Florida Panther and the Florida Largemouth Bass specialty license plates authorizing the marketing and promotion of the plates, and to buy back any unissued Manatee plates as of June 30, 2008.

**Section 4.** Repeals s. 370.025(4), F.S., to remove the statutory limitation on the legislature's authority to govern marine life.

**Section 5.** Amends s. 370.0603, F.S., to expand revenues deposited into the Marine Resource Conservation Trust Fund.

**Section 6.** Amends s. 370.1105, F.S., to provide consistent terminology when referring to the spiny lobster.

**Section 7.** Amends s. 370.12, F.S., to provide the FWC additional authority for the use of revenues generated by the Manatee license plates authorizing the marketing and promotion of the plate, and to buy back any unissued plates during the fiscal year end June 30, 2008.

**Section 8.** Amends s. 370.13, F.S., to allow the FWC to waive fees for replacement trap tag fees in the event of major natural disasters and to require legislative approval prior to the FWC establishing fees for equitable rent and to remove the license suspension provision from the penalty imposed on first time violator.



**Section 9.** Amends s. 370.135, F.S., to establish blue crab endorsement fees, trap tag fees, conditions for fee waivers, and fines and penalties for violating blue crab regulations.

**Section 10.** Amends s. 370.14, F.S., to provide technical corrections to the spiny lobster regulations and to provide consistent terminology when referring to the spiny lobster..

**Section 11.** Amends s. 370.1405, F.S., to provide consistent terminology when referring to the spiny lobster.

**Section 12.** Amends s. 370.142, F.S., to remove obsolete language and to provide consistent terminology when referring to the spiny lobster endorsements and to require legislative approval prior to the FWC establishing fees for equitable rent and to allow the FWC to waive replacement tag fee in the event of a natural disaster and to provide revisions to administrative fines and penalties.

**Section 13.** Amends s. 370.143, F.S., to add blue crabs and black sea bass to the trap retrieval program.

**Section 14.** Amends s. 372.09, F.S., to provide additional authority within the State Game Trust Fund authorizing the marketing and promotion Largemouth Bass license plate.

**Section 15.** Amends s. 372.562, F.S., to provide clarifying language to the exemptions from fees and requirements of freshwater and saltwater recreational licenses.

**Section 16.** Amends s. 372.57, F.S., to provide an effective date and to increase fees for both resident and non-resident hunting and fishing licenses.

**Section 17.** Amends s. 372.672, F.S., to provide additional authority to the Florida Panther Research and Management Trust authorizing the promotion of the Florida Panther license plate.

**Section 18.** Amends s. 861.021, F.S., to provide consistent terminology when referring to the spiny lobster.

**Section 19.** Amends s. 372.571, F.S., to incorporate license revocation penalties.

**Section 20.** Amends s. 372.661, F.S., to adopt cross-reference changes as a result of amendments to s. 372.57, F.S., (new 3 day fishing license for non-residents).

**Section 21.** Amends s. 372.83, F.S., to adopt cross-reference changes as a result of amendments to s. 370.135, F.S., (blue crabs regulations).

**Section 22.** Reenacts s. 372.5712, F.S., for purposes of incorporating amendments made to s. 372.57, F.S., (fee increases).

**Section 23.** Reenacts s. 372.5715, F.S., for purposes of incorporating amendments made to s. 372.57, F.S., (fee increases).

**Section 24.** Reenacts s. 372.573, F.S., for the purposes of incorporating amendments made to s. 372.72, F.S. (fee increases)

**Section 25.** Reenacts s. 380.511, F.S., for the purposes of incorporating amendments made to s. 320.08058, F.S. (Manatee plate).

**Section 26.** Provides a recurring appropriation of \$132,000 from the Marine Resources Conservation Trust Fund to the FWC as a funding mechanism for implementing the Blue Crab Effort Management Program.

**Section 27.** Provides an effective date of July 1, 2007.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

Item	FY 2007-08	FY 2008-09	FY 2009-10
Commercial Blue Crab Endorsement Fees	548,010	548,010	548,010
Recreational Fishing/Hunting Permits	* 1,095,750	1,704,500	1,826,250
Recreational Fishing/Hunting Licenses	* 3,842,457	10,049,701	12,219,171
<i>Estimated Additional Revenues</i>	<b>\$ 5,486,217</b>	<b>\$ 12,302,211</b>	<b>\$ 14,593,431</b>
Less 2007-2008 Fee Waiver	(164,400)	0	0
<i>Adjusted Estimated Additional Revenues</i>	<b>\$ 5,321,817</b>	<b>\$ 12,302,211</b>	<b>\$ 14,593,431</b>

\* = Projected revenues are adjusted to reflect October 1, 2007 effective date.

See fiscal comments for additional information.

#### 2. Expenditures:

Item	FY 2007-08	FY 2008-09	FY 2009-10
Blue Crab Management Program	132,000	132,000	132,000
Manatee License Tag Buy Back Authority	40,647	0	0
<i>Estimated Expenditures</i>	<b>\$ 172,647</b>	<b>\$ 132,000</b>	<b>\$ 132,000</b>

See fiscal comments for additional information.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None

#### 2. Expenditures:

None

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

Individuals who fish and hunt in the State of Florida will pay increased fees for recreational fishing and hunting licenses. Commercial harvesters of blue crab will incur fees for endorsements, tags, and will be subject to possible fines and penalties. Individuals who don't retrieve black sea bass or blue crab traps will incur a \$10 fee for each trap retrieved after the first five traps retrieved.

### D. FISCAL COMMENTS:

The overall fiscal impact of the bill is indeterminate, but it should have a significant positive impact on trust fund revenues.

The bill should generate significant increases to revenues based on the specific license fee increases addressed. Additional revenues could also accrue to the Marine Resources Conservation Trust Fund and the State Game Trust Fund from various administrative fines and penalties collected pursuant to provisions in the bill, but these figures cannot be quantified at this time.

While indeterminate, two provisions in the bill could reduce potential revenues. For the 2007-2008 license year, all participants qualified under the blue crab management program will have their associated fees waived. Due to the timetable for licensing and the effective date of this bill, FWC estimates that this provision is applicable to approximately 30% of the commercial industry seeking to participate in the program. This equates to an estimated \$164,400 loss of revenue. FWC's authority to

defer or waive replacement trap tag fees in the event of a declared emergency by the Governor is a second provision that could impact future revenues. This amount is indeterminate at this time.

The bill appropriates \$132,000 from the Marine Resources Conservation Trust Fund to fund the blue crab effort management program. It should be noted, however, that estimated revenues from commercial blue crab endorsement fees could yield revenues around \$548,000, creating an immediate disparity between program operating costs and estimated revenues.

Finally, the bill creates a third degree felony. While the Criminal Justice Estimating Conference has not met to estimate the impact this could have on prison beds, it appears it is an unranked felony offense on the offense severity ranking chart. Such offenses typically default to a level one and are normally presumed to carry a minimal impact on the prisons.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

##### **2. Other:**

None

#### **B. RULE-MAKING AUTHORITY:**

No additional rulemaking authority is required to implement the provisions of this bill.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

#### **D. STATEMENT OF THE SPONSOR**

N/A

### **IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

N/A