

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: April 3, 1998 Revised: \_\_\_\_\_

Subject: Marine Resources

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Gee</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This bill removes obsolete, duplicative and confusing language within chapter 370, F.S., related to saltwater fisheries. It also combines the various penalty and enforcement sections, now scattered throughout the chapter, into one section, s. 370.021, F.S., creates a new penalty for a major violation relating to finfish, and revises reporting and recordkeeping requirements for crawfish dealers. It contains only a few substantive changes.

This bill amends sections 370.01, 370.021, 370.026, 370.0605, 370.062, 370.0821, 370.12, 370.1405, and 370.25 of the Florida Statutes. It also repeals the following provisions of the Florida Statutes: 370.015, 370.08(7), 370.0821(3), 370.092(3) and (4), 370.11(2) and (3), 370.1125, 370.114, 370.12(4), 370.13(2), 370.135(2), (3), and (4), 370.14(6), 370.15(2) and (3), 370.151(2), 370.153(4)(c), (d), and (e), and (5)(b) and (d), 370.156, 370.157, and 370.1611.

**II. Present Situation:**

The state's marine resources are managed by the Department of Environmental Protection (DEP), pursuant to ch. 370, F.S., and rules of the Marine Fisheries Commission (MFC) and the DEP.

The MFC, which is responsible for developing rules to govern the state's marine resources, is currently assigned to the Board of Trustees of the Internal Improvement Trust Fund (Trustees). The Trustees must approve all MFC rules. With the exception of endangered species and the regulation of fishing gear in residential, manmade saltwater canals, the MFC has exclusive rulemaking authority over marine resources. Whenever a MFC rule and a provision of the Florida Statutes are in conflict, the conflicting statute is implicitly repealed. The revisor, however, has not deleted the ineffective provisions and the Florida Statutes contain a number of obsolete provisions due to MFC rulemaking. In addition, ch. 370, F.S., now contains other outdated provisions and a

variety of penalties scattered throughout the chapter. This bill is primarily a “cleanup” bill which revises provisions for clarity and deletes obsolete provisions.

The DEP reports that many fisheries violations occur because a fisher does not fully understand the law and that it has had success in counseling and educating first-time violators, rather than suspending or revoking licenses. The department believes that formalizing this process by requiring major violators to defend continuation of their license privileges would be beneficial in providing an opportunity for education, where warranted. This process currently exists for major violations relating to blue crabs, stone crabs, and crawfish.

Section 370.1405, F.S., provides a process for seafood dealers to retain crawfish during the closed season based on reporting requirements which do not now allow for the acquisition of crawfish from dealers during the closed season.

### **III. Effect of Proposed Changes:**

Section 1. This section revises s. 370.01, F.S., the definitions section, alphabetically.

Section 2. Section 370.021, F.S., is amended to group together existing penalties now found throughout ch. 370, F.S., and create a requirement that, upon a conviction for a major violation involving finfish, the licenseholder must show just cause why his or her saltwater products license should not be suspended or revoked. For this purpose, a major violation is prescribed for the taking and harvesting of illegal finfish, any single violation involving the possession of more than 100 pounds of illegal finfish, or any combination of violations in any 3-consecutive-year period wherein more than 200 pounds of illegal finfish in the aggregate are involved.

This section also deletes a penalty for violation of an obsolete MFC rule relating to allowable gear in Martin County and an obsolete penalty involving the unintentional killing of specified fish. It also inserts the correct name of the DEP’s Division of Administration and Technical Services.

Section 3. Section 370.026, F.S., is amended to delete obsolete provisions.

Section 4. Section 370.062, F.S., is amended to reflect the MFC’s program for the issuance of tarpon tags.

Section 5. Section 370.0605, F.S., is amended to include the Game and Fresh Water Fish Commission (GFWFC) in the enforcement authority of ch. 370, F.S., and to authorize the GFWFC to designate “Disabled Angler Fishing Days.”

Section 6. Section 370.0821, F.S., is amended to delete an obsolete provision.

Section 7. Section 370.12, F.S. is amended to clarify that federal law regulates the taking of mammalian dolphin.

Section 8. Section 370.1405, F.S., is amended to revise reporting and recordkeeping requirements for seafood dealers relating to the possession of crawfish during the closed season.

Section 9. Section 370.25, F.S., is revised to correct a cross-reference to allow enforcement of the artificial fish reef program.

Sections 10 - 26 repeal obsolete provisions as well as provisions made ineffective due to MFC rulemaking.

Section 27. The act will take effect upon becoming a law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill has no direct fiscal impact on the private sector. Revising seafood dealers' reporting requirements to include crawfish acquired from dealers during the closed season could benefit dealers, however.

C. Government Sector Impact:

There is no direct impact on government.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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