

STORAGE NAME: h4561.wrm

DATE: April 2, 1998

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
WATER & RESOURCE MANAGEMENT
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4561 (formerly PCB WRM 98-01)

RELATING TO: Marine fisheries

SPONSOR(S): Committee on Water and Resource Management and Representative Carlton

COMPANION BILL(S): SB 1084 (s) and SB 1440 (s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) WATER & RESOURCE MANAGEMENT YEAS 9 NAYS 0

(2)

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(5)

I. SUMMARY:

HB 4561 is a product of the Joint House/Senate Interim Project on Agency Review and Prioritization.

It removes obsolete, duplicative and confusing language within Chapter 370, F.S., related to saltwater fisheries. It also combines the various penalty and enforcement sections in the chapter into one section, s. 370.021, F.S.

There are no significant substantive issues in this bill.

HB 4561 would take effect upon becoming a law.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Chapter 370, F.S., governs the regulation and management of saltwater fisheries. The Department of Environmental Protection (DEP), through its Division of Marine Resources, is responsible for general research, protection and management of fisheries and other aquatic life, such as manatees and sea turtles. The Florida Marine Fisheries Commission (MFC) is strictly a regulatory agency that adopts rules to control the harvest of saltwater species for commercial or recreational purposes.

The Legislature retains the authority to regulate gear in man-made freshwater canals, and to establish license fees and penalties for violating fisheries laws and rules.

Over the years, Chapter 370 has become cluttered with statutes made obsolete or duplicative by the adoption of MFC rules. In addition, similar provisions on penalties and enforcement are not logically grouped, making the chapter confusing to read.

The Speaker directed the House substantive committees over the interim to review all the statutes in their individual issue areas and make recommendations on eliminating obsolete, duplicative or confusing references. He allowed the substantive committees to develop proposed committee bills to address these problems. HB 4561 is in response to the Speaker's directives.

B. EFFECT OF PROPOSED CHANGES:

HB 4561 would:

- o Combine all of the sections in Chapter 370 relating to penalties and enforcement into one, s. 370.021, F.S.
- o Repeal 17 sections or subsections of law that are obsolete.
- o Correct glitches in s. 370.1405, F.S., related to reporting and inventory documentation requirements for crawfish (spiny lobster) dealers, and in s. 370.25, F.S., related to DEP's regulation of artificial fishing reefs.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

N/A

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 370.01, 370.021, 370.026, 370.062, 370.0821, 370.12, 370.25, 370.015, 370.08, 370. 0821, 370.092, 370.11, 370.1125, 370.114, 370.12, 370.13, 370.135, 370.14, 370.1405, 370.15, 370. 151, 370.153, 370.156, 370.157, and 370.161.

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 370.01, F.S., to reorganize definitions.

Section 2: Amends s. 370.021, F.S., to combine all major violations and penalties in one section in the chapter.

Section 3: Amends s. 370.026, F.S., to delete obsolete reference.

Section 4: Amends s. 370.062, F.S., to correct timing difference between tarpon season and when tarpon tags are available for purchase.

Section 5: Amends s. 370.0605, F.S., to include the Game and Fresh Water Fish Commission in the enforcement authority of chapter 370.

Section 6: Amends s. 370.0821, F.S., to remove obsolete netting language.

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Section 7: Amends s. 370.12, F.S., to clarify that federal law regulates taking of mammalian dolphins, and deletes obsolete language.

Section 8: Amends s. 370.1405, F.S., to direct wholesale and retail crawfish dealers to include on their reports to DEP, due when the crawfish season closes, the number of pounds of crawfish brought forward in their inventory, the amount sold, and the amount remaining in inventory. Clarifies that wholesale and retail dealers must keep certain records on hand during the closed season.

Section 9: Amends s. 370.25, F.S., to clarify glitches in artificial fishing reef language.

Section 10: Repeals s. 370.015, F.S., an obsolete references to Suwannee River Authority.

Section 11: Repeals s. 370.08(7), F.S., relating to obtaining a special activity license to use certain gear and other equipment .

Section 12: Repeals s. 370.0821(3), F.S., relating to the use of nets in St. Johns County.

Section 13: Repeals s. 370.092 (3) and (4,) F.S., relating to illegal use of nets language which has been moved to s. 370.021, F.S.

Section 14: Repeals s. 370.11(2) and (3), F.S., relating to the length of saltwater fish and the use of nets to harvest shad.

Section 15: Repeals s. 370.1125, F.S., relating to the harvest of a fish known as a "permit."

Section 16: Repeals s. 370.114, F.S., relating to the taking of corals and sea fans.

Section 17: Repeals s. 370.12(4), F.S., relating to manta rays.

Section 18: Repeals s. 370.13(2), F.S. relating to a major violation involving stone crabs, which has been moved to s. 370.021, F.S.

Section 19: Repeals s. 370.135(2) and (3), F.S., relating to the harvest and sale of blue crabs and s. 370.135(4), F.S., which has been moved to s. 370.021, F.S.

Section 20: Repeals s. 370.14, F.S., relating to a major violation involving crawfish, which has been moved to s. 370.021, F.S.

Section 21: Repeals s. 370.15(2) and (3), F.S., relating to the harvest of shrimp.

Section 22: Repeals s. 370.151(2), F.S., relating to the Tortugas Shrimp Beds.

Section 23: Repeals s. 370.153(4)(c), (d), (e), and (5)(b), (d), F.S., relating to the harvest of shrimp in Clay, Duval, Nassau, Putnam, Flagler, and St. Johns Counties.

Section 24: Repeals s. 370.156, F.S., relating to the Florida East Coast Shrimp Bed.

Section 25: Repeals s. 370.157, F.S., relating to the harvest of shrimp in the Cedar Key closed area.

Section 26: Repeals s. 370.1611, F.S., related to shrimping.

Section 27: Provides that this act shall take effect upon becoming a law.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to a research discussion of HB 4561 because the bill does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 4561 does not reduce the revenue-raising authority of counties or municipalities.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 4561 does not reduce the state tax revenues shared with counties or municipalities.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 24, 1998, the Committee on Water and Resource Management adopted two amendments to PCB WRM 98-01, as amended. One amendment added the corrections to s. 370.1405, F.S., to clarify the record-keeping requirements on wholesale and retail dealers of crawfish and thus remove any questions about their ability to sell during the closed season any crawfish they obtained during the open season. The second amendment removed the proposed repeal of ss. 370.032-370.038, F.S., related to obsolete provisions for registration of dredge-and-fill equipment. The Committee then adopted PCB WRM 98-01 as amended, by a vote of 9-0. The Committee also decided to recommend that the Governmental Responsibility Council close the bill to further amendments. PCB WRM 98-01 has been redesignated HB 4561.

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VII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

Legislative Research Director:

Joyce Pugh

Joyce Pugh