

STORAGE NAME: h1071.wrm

DATE: February 10, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
WATER & RESOURCE MANAGEMENT
ANALYSIS**

BILL #: HB 1071 (formerly PCB WRM 00-01)

RELATING TO: The Fish and Wildlife Conservation Commission (FWCC)

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

TIED BILL(S): None

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

(1) WATER & RESOURCE MANAGEMENT YEAS 9 NAYS 0

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I. SUMMARY:

HB 1071 contains technical revisions to provisions in statute which are necessary due to the creation of the Fish & Wildlife Conservation Commission (FWCC) as required by the passage of Revision #5 to the State Constitution during the November 1998 General Election. The FWCC was created by the Legislature during the 1999 General Session by the passage of CS/CS/SB 864, enacted as Chapter 99-245, Laws of Florida.

HB 1071 amends Chapter 370, Florida Statutes, to create a Part I providing for the regulation of saltwater fisheries, and a Part II providing for the regulation of freshwater fisheries. All laws regulating freshwater fisheries as established in Chapter 372, Florida Statutes, are transferred to Part II of Chapter 370. Issues pertaining to the regulation of wild animal life remain in Chapter 372 of the Florida Statutes.

HB 1071 does not appear to have a fiscal impact, trigger local-government mandate requirements, or raise constitutional and rulemaking issues.

HB 1071 takes effect upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Fish and Wildlife Conservation Commission (FWCC) was created by the Legislature during the 1999 Regular Session as a result of the passage of Revision #5 to the State Constitution during the November 1998 General Election. Chapter 99-245, L.O.F., was enacted to transfer the responsibilities of the Game and Fresh Water Fish Commission (GFC) and the Marine Fisheries Commission (MFC) to the FWCC in accordance with the provisions of the constitutional amendment requiring that one entity regulate wild animal life, freshwater aquatic life, and marine life.

Prior to July 1, 1999, the GFC was responsible for regulating wild animal life and freshwater aquatic life under the State Constitution and according to the provisions of Chapter 372, Florida Statutes. Prior to July 1, 1999, the MFC was responsible for the regulation of marine life, with the exception of endangered or threatened marine species, under Chapter 370, Florida Statutes. Prior to July 1, 1999, the Division of Marine Resources at the Department of Environmental Protection (DEP) regulated endangered or threatened marine species. Prior to July 1, 1999, the Division of Law Enforcement at DEP was responsible for enforcing laws regulating marine life.

Effective July 1, 1999, the MFC and the GFC were merged into the FWCC. Portions of the Division of Marine Resources and the Division of Law Enforcement at DEP also were transferred to the FWCC. The FWCC, which now is responsible for the regulation of wild animal life, freshwater aquatic life, and marine life, has more than 1,700 employees and a FY 1999-2000 budget of approximately \$158 million.

C. EFFECT OF PROPOSED CHANGES:

HB 1071 does the following:

- o Provides technical revisions to laws governing DEP.
- o Provides technical revisions to laws governing the Department of Agriculture and Consumer Services (DACS).
- o Repeals certain outdated statutory provisions.

- o Conforms sections of Florida Statutes to provisions contained in Chapter 99-245, L.O.F., creating the FWCC and providing for the transfer of certain responsibilities from DEP, the former GFC, and the former MFC to the FWCC.
- o Reorganizes Chapter 370, Florida Statutes, into two parts to clearly define the responsibilities of the FWCC with regard to freshwater and saltwater fisheries.
- o Reorganizes Chapter 372, Florida Statutes, to clearly define the FWCC's responsibilities over wild animal life.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends Chapter 370, F.S., to create Part I designated "Saltwater Fisheries," consisting of sections 370.01 through 370.31, F.S.

Section 2. Amends s. 370.07, F.S., to provide that the FWCC will issue wholesale and retail dealers saltwater products licenses previously issued by DEP. Provides that the Apalachicola Bay Oyster Surcharge will be deposited into the DACS General Inspection Trust Fund by the Department of Revenue (DOR). Provides that DACS will furnish DOR with a current list of wholesale dealers annually.

Section 3. Amends s. 370.101, F.S. to transfer authority for establishing weight equivalencies for artificially cultivated saltwater fish to the Division of Marine Fisheries at the FWCC. This was a responsibility of DEP's defunct Division of Marine Resources.

Section 4. Amends s. 370.11, F.S. to provide that the Division of Marine Fisheries at the FWCC may issue permits for the taking of tarpon for scientific purposes. This was a responsibility of DEP's defunct Division of Marine Resources.

Section 5. Amends s. 370.1107, F.S., to define licensed saltwater fisheries traps as any trap for the taking of saltwater products required to be licensed by the FWCC and whose license fees and penalties are authorized by the Legislature pursuant to chapter 370.

Section 6: Amends s. 370.13, F.S., to provide that the FWCC, instead of DEP, has the authority to regulate stone crabs.

Section 7. Amends s. 370.1405, F.S., to provide that seafood dealers will submit certain crawfish reports to the FWCC instead of DEP.

Section 8. Amends s. 370.25, F.S., to provide that the artificial fishing reef program is transferred from DEP to the FWCC.

Section 9. Amends Chapter 370, F.S., to create Part II entitled "Freshwater Fisheries," consisting of sections 370.40 through 370.74, F.S.

Section 10 through Section 58. Creates s. 370.40, F.S. through s. 370.74, F.S., to transfer freshwater fishing statutory provisions from Chapter 372, F.S., to Part II of Chapter 370, F.S.

Section 59 through Section 89. Amends Chapter 372, F.S., to conform with provisions of the proposed bill transferring freshwater fishing statutes to Chapter 370, F.S.

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Section 90. Renumbers s. 370.0205, F.S., as s. 20.2551, F.S., to allow DEP to continue contracting with certain citizen support organizations.

Section 91. Amends s. 161.031, F.S., to delete a reference to DEP's defunct Division of Marine Resources.

Section 92. Renumbers s. 370.041, F.S., as s. 161.242, F.S., to conform with provisions of the proposed bill reorganizing Chapter 370, F.S.

Section 93. Amends s. 161.36, F.S., to delete a reference to DEP's defunct Division of Marine Resources.

Section 94. Amends s. 259.101, F.S., to provide that the FWCC will receive the former GFC distribution under the Preservation 2000 program.

Section 95. Amends s. 270.22, F.S., to provide that rental fees for aquaculture leases will be deposited into the General Inspection Trust Fund at the Department of Agriculture and Consumer Services. The fees were formerly deposited into the Marine Resources Conservation Trust Fund.

Section 96. Amends s. 288.109, F.S., to provide that the FWCC instead of the GFC will be integrated into the One-Stop Permitting Program by January 1, 2001.

Section 97. Amends s. 327.02, F.S., to clarify the definition of "lien" to mean a security interest which is reserved or created by a written agreement recorded with the Department of Highway Safety and Motor Vehicles.

Section 98. Amends s. 327.04, F.S., to provide the FWCC with the authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement the vessel safety provisions of Chapter 327, F.S.

Section 99. Amends s. 327.41, F.S., to provide that the FWCC instead of DEP will permit the placement of regulatory markers in the Florida Intracoastal Waterway.

Section 100. Amends s. 327.53, F.S. to repeal outdated provisions relating to marine sanitation.

Section 101. Amends s. 327.54, F.S., to provide that the FWCC instead of DEP will establish standards for instruction in the safe handling of personal watercraft.

Section 102. Amends s. 328.72, F.S., to provide that the FWCC instead of DEP will determine the number of noncommercial vessels registered in a county for use as a guideline in the distribution of vessel registration fees.

Section 103. Amends s. 373.4149, F.S., to provide that the FWCC instead of the former GFC will sit on the Miami-Dade County Lake Belt Plan Implementation Committee.

Section 104. Amends s. 373.41492, F.S., to provide that the FWCC instead of the former GFC will sit on the interagency committee approving expenditures for the Miami-Dade County Lake Belt Mitigation Plan.

Section 105. Amends s. 403.141, F.S., to provide that the FWCC instead of the former GFC will establish tables of values with DEP to determine the value of fish in assessing damages for fish killed due to discharge or pollution violations.

Section 106. Amends s. 570.235, F.S., to provide that the FWCC instead of the former GFC will sit on the Pest Control Advisory Board.

Section 107. Amends s. 590.02, F.S., to provide that the FWCC instead of the former GFC will sit on the program advisory committee for the Florida Center for Wildfire and Forest Resources Management Training.

Section 108. Amends s. 597.004, F.S., to provide that DACS instead of DEP will regulate the sale and handling of aquaculture shellfish to conform with the transfer of responsibilities that occurred in the merger.

Section 109. Amends s. 212.08, F.S., to correct a cross-reference.

Section 110. Amends s. 323.001, F.S., to correct a cross-reference.

Section 111. Amends s. 705.101, F.S., to provide that the FWCC instead of DEP will determine vessels to be derelict.

Section 112. Amends s. 705.103, F.S., to provide that certificates of registration for boats may not be issued by the Department of Highway Safety and Motor Vehicles to persons whose boat registration privileges or motor vehicles privileges have been revoked for failure to pay costs of removal and storage of boats declared to be abandoned or lost property.

Section 113. Amends s. 810.09, F.S., to correct a cross-reference.

Section 114. Amends s. 832.06, F.S. to provide that county tax collectors may work with the FWCC instead of the former GFC when prosecuting violators delivering worthless checks for licenses or taxes.

Section 115. Amends s. 932.7055, F.S. to correct a cross-reference.

Section 116. Repeals the following provisions:

- o s. 370.013, F.S., providing general functions for DEP;
- o s. 370.017, F.S., providing general functions of the DEP Secretary;
- o s. 370.032, F.S., providing definitions;
- o s. 370.033, F.S., providing legislative intent with regard to dredge and fill activities;
- o s. 370.034, F.S., providing for certificates of registration authorizing the use of dredge and fill equipment;
- o s. 370.036, F.S., providing requirements for maintaining records of dredge and fill activities;
- o s. 370.037, F.S., providing standards for denial, suspension, or revocation of certificates for registration for dredge and fill equipment;
- o s. 370.038, F.S., providing DEP with rulemaking authority to carry out dredge and fill regulation;
- o s. 370.0606, F.S., providing authorization for subagents to sell saltwater fishing licenses;
- o s. 370.0805, F.S., providing for the Net Ban Assistance Program;
- o s. 372.04, F.S., authorizing the former GFC to appoint a commission director;

- o s. 372.061, F.S., authorizing the former GFC to hold meetings at any location within the state;
- o s. 373.197, F.S., providing for the Kissimmee River Valley and Taylor Creek-Nubbins Slough Restudy authorization;
- o s. 403.261, F.S., providing for the repeal of rulemaking jurisdiction over air and water pollution by other state agencies; and
- o s. 370.14(12), F.S., providing that the 2-day spiny lobster sports season be named after Bob Hector.

Section 117. Provides that proposed bill shall take effect upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to HB 1071 because the proposed bill does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

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B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 1071 does not reduce the revenue-raising authority of counties or municipalities.

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

HB 1071 does not reduce the state tax revenues shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

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