

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1367 CS Fish and Wildlife Conservation Commission
SPONSOR(S): Seiler
TIED BILLS: **IDEN./SIM. BILLS:** SB 1866

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation Committee	6 Y, 0 N, w/CS	Winker	Kliner
2) Criminal Justice Committee			
3) Agriculture & Environment Appropriations Committee			
4) State Resources Council			
5) _____			

SUMMARY ANALYSIS

HB 1367 makes numerous changes to statutes related to the Florida Fish and Wildlife Conservation Commission (FWCC). The bill amends the Boating Advisory Council, increasing membership from 17 to 18, increases terms from 2 to 3 years, provides that members may not serve more than 2 full consecutive terms, adds boat access and working waterfronts to the council's purview; and allows for the removal of a council member for cause. Council membership changes include: reducing the number of representatives of water-related environmental groups from two to one; (b) adding a representative for canoe or kayak enthusiasts; and (c) adding one member for either the commercial fishing industry or the commercial shell fishing industry.

The bill creates an individual/vessel saltwater products license for commercial fishers. This will allow a commercial fisher who may have several vessels, but who only uses one vessel at a time, the opportunity to purchase only one license.

The bill reduces the stone crab certificate transfer fees in half (currently \$2 and \$1).

The bill repeals s. 372.674, F.S., related to the FWCC environmental education grant program.

Amends subsection (2) of s. 372.672, F.S., related to the Florida Panther Research and Management Trust Fund; deletes the use of funds from the trust fund for FWCC environmental education grant program.

The bill will take effect on July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

B. EFFECT OF PROPOSED CHANGES:

Current Situation

The Florida Fish and Wildlife Conservation Commission (FWCC) was created as a result of the passage of Revision #5 to the State Constitution in the November 1998 General Election, as implemented by the 1999 Legislative Session. Revision #5 provided that one entity regulate wild animal life, freshwater aquatic life, and marine life in Florida. This was accomplished by merging the former Game and Fresh Water Fish Commission, the former Marine Fisheries Commission, and most of the former divisions of Marine Resources and Law Enforcement within the Department of Environmental Protection.

The FWCC is comprised of seven Commissioners appointed by the Governor and confirmed by the Senate. For FY 2004-2005, the FWCC has 1,867 agency employees and a total budget of about \$222 million.

The FWCC is responsible for managing Florida's freshwater aquatic life, marine life, and wild animal life. For example, it issues licenses or permits for the commercial and recreational take of fish and wildlife. Compliance with rules and laws is accomplished through public education and the efforts of the FWCC's Division of Law Enforcement.

FWCC is authorized by the Legislature to regulate recreational boating in Florida. The Division of Law Enforcement implements the provisions of Chapter 327, F.S., relating to vessel safety, vessel and motor testing, boating education requirements and boaters driving under the influence of alcohol or drugs. Section 327.395, F.S., requires anyone under age 21 years-of-age or younger to pass a boating safety education course and obtain a Florida Boating Safety Education Identification Card. Boating safety courses for persons older than 21 year-of-age in Florida is voluntary. FWCC reports that boating safety education courses have a positive impact on boating safety indicators and that most boaters support boating educational courses.

The Boating Advisory Council was created in 1994 (see s. 327.803, F.S.) for the purpose of making recommendations to the Department of Environmental Protection and the Department of Community Affairs. In 1999, the Advisory Council was transferred to the FWCC.

Section 370.06, F.S. provides that any person harvesting commercial quantities of saltwater products must be licensed by the State through the FWCC. An individual saltwater products license permits only the person receiving the license to fish commercially. Such a license currently costs \$50 for a Florida resident, \$200 for a non-resident, and \$300 for an alien. A vessel saltwater product license permits anyone on board a licensed vessel to harvest fish without having to obtain an individual license. Such a license currently costs \$100 for a resident, \$400 for a non-resident, and \$600 for an alien.

Section 370.13, F.S., provides for a stone crab trap limitation program administered by the FWCC. When certificates for stone crab traps are transferred or sold, the seller is authorized by FWCC rule to transfer a percentage (77.5%) of the trap inventory with the remaining 22.5% of the traps removed from the fishery. This is done to reduce the total inventory of traps from their FY 2004-2005 number of 1,458,708 to 600,000. The current fee to transfer stone crab trap certificates is \$2 per certificate

transferred with limited exceptions depending if the person is a family member or a member of the fishing crew.

FWCC is authorized to develop and implement an environmental education grant program to assist the public through school teachers, the Department of Education, and other groups in understanding Florida's environment and the problems and issues facing the state's ecosystem. An Advisory Council on Environmental Education with the FWCC serves to recommend to the FWCC an annual list of projects to be funded through the grant program. Declining revenues in the two funding sources for the program (Save the Manatee Trust Fund and the Florida Panther Research and Management Trust Fund) have resulted in the elimination of funding for the program and its staff effective July 1, 2003.

Effect of Proposed Changes

HB 1367 makes numerous changes to statutes related to the Florida Fish and Wildlife Conservation Commission.

The bill revises the membership criteria of the Boating Advisory Council to the FWCC to include a representative of marine special events. The bill further amends the Council, increasing membership from 17 to 18, increases terms from 2 to 3 years. The bill provides that members may not serve more than 2 full consecutive terms, adds boat access and working waterfronts to the council's purview, and allows for the removal of a council member for cause. Other Council membership changes include: reducing the number of representatives of water-related environmental groups from two to one; (b) adding a representative for canoe or kayak enthusiasts; and (c) adding one member for either the commercial fishing industry or the commercial shell fishing industry.

The bill reduces the stone crab certificate transfer fees in half (currently \$2 and \$1).

The bill creates an individual/vessel saltwater products license for commercial fishers. This will allow a commercial fisher who may have several vessels, but who only uses one vessel at a time, the opportunity to purchase only one license.

The bill eliminates the FWCC's environmental education grant program and the Advisory Council on Environmental Education. And finally, the bill requires persons hunting on private lands to wear orange garments for safety reasons.

The bill requires subagents appointed by the FWCC to offer voter registration and to update voter records where licenses and permits are sold.

The bill will take effect on July 1, 2005.

C. SECTION DIRECTORY:

Section 1: Amends s. 327.803, F.S., related to the boating advisory council; increasing membership from 17 to 18, and increasing terms from 2 to 3 years. The bill provides that members may not serve more than 2 full consecutive terms, adds boat access and working waterfronts to the council's purview, and allows for the removal of a council member for cause. Other Council membership changes include: reducing the number of representatives of water-related environmental groups from two to one; (b) adding a representative for canoe or kayak enthusiasts; (c) designating a marine special events representative; and (d) adding one member for either the commercial fishing industry or the commercial shell fishing industry.

Section 2: Amends paragraphs (d) and (e) of subsection (2) of s. 370.06, F.S., related to saltwater products license; creates a new saltwater product license and individual/vessel license that is a combination of the current two licenses.

Section 3: Amends paragraph (b) of subsection (1) of s. 370.13, F.S., related to the regulation of stone crab traps; reduces the stone crab trap transfers fees in half for the 2005-2006 season; and authorizes the FWCC by rule to set the fees up to the current level authorized in statute for the 2006-2007 season and beyond.

Section 4: Adds subsection (4) to s. 372.574, F.S., requiring subagents appointed by the FWCC to offer voter registration and to update voter records where licenses and permits are sold.

Section 5: Repeals s. 372.674, F.S., related to the FWCC environmental education grant program.

Section 6: Amends subsection (2) of s. 372.672, F.S., related to the Florida Panther Research and Management Trust Fund; deletes the use of funds from the trust fund for FWCC environmental education grant program.

Section 7: Provides an effective date of July 1, 2005.

II. 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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to: require cities or counties to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the FWCC to promulgate rules related to the regulation of stone crab traps.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 6, 2005, the Committee on Environmental regulation adopted one Strike-all amendment and one amendment to the strike-all. The strike all removed the following provisions from the bill as originally filed:

- Boating safety I.D. card;
- Increased penalties for hunting with a suspended or revoked hunting license;
- Increased penalties for dog hunting violators; and
- Requiring minor-aged hunters on private lands to wear hunter orange.

The strike-all amendment amends the Boating Advisory Council, increasing membership from 17 to 18, increases terms from 2 to 3 years, provides that members may not serve more than 2 full consecutive terms. In addition the amendment adds boat access and working waterfronts to the council's purview, and allows for the removal of a council member for cause. Council membership was amended to reduce the number of representatives of water-related environmental groups from two to one; (b) to add a representative for canoe or kayak enthusiasts; and (c) to add one member for either the commercial fishing industry or the commercial shell fishing industry.

The amendment to the strike-all creates a new subsection (4) to section 372.574, Florida Statutes, and requires subagents appointed by the FWCC to offer voter registration and to update voter records where licenses and permits are sold.