

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1204
 SPONSOR: Senator Bronson
 SUBJECT: Fish and Wildlife Conservation Commission
 DATE: March 6, 2001 REVISED: 03/20/01 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Gee</u>	<u>Voigt</u>	<u>NR</u>	<u>Fav/2 amendments</u>
2.	_____	_____	<u>AG</u>	_____
3.	_____	_____	<u>FT</u>	_____
4.	_____	_____	<u>AGG</u>	_____
5.	_____	_____	<u>AP</u>	_____
6.	_____	_____	_____	_____

I. Summary:

This bill authorizes the Railroad Retirement Board to make determinations concerning eligibility for exemptions from specified licensing requirements. It provides for deprecation permits for marine aquaculture producers and provides for legislative appointments to the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission. The Department of Environmental Protection is designated as the proper agency for issuing artificial-reef permits, and provisions are revised relating to the Lifetime Fish and Wildlife Trust Fund. Finally, the bill designates the Fish and Wildlife Conservation Commission as the agency responsible for approving navigation markers for manatee protection.

This bill amends ss. 370.13, 370.19, 370.20, 370.25, 372.105, 372.561, and 374.977 of the Florida Statutes.

II. Present Situation:

Pursuant to s. 370.06(2), F.S., a restricted species endorsement on the saltwater products license is necessary to sell to a licensed wholesale dealer those species that have been designated as “restricted species” by the Fish and Wildlife Conservation Commission (FWC). An exception is made for licensed aquacultural sales. Nearly all saltwater species of commercial importance have been designated as restricted. To be issued the endorsement, a person or firm must certify that over 25 percent of its income or \$5000 of its income, whichever is less, is attributable to the sale of saltwater products pursuant to the saltwater products license or a similar license from another state. There are other income requirements for for-profit corporations. The income attribution must apply to at least one of the last three years. Pursuant to s. 370.06(a) 2., F.S., there are several exceptions to the income requirement, including an exemption for any resident who is certified to be totally and permanently disabled by the U.S. Department of Veterans Affairs or its

predecessor, or by any branch of the U.S. Armed Forces, or who holds a valid identification card issued by the Department of Veterans' Affairs pursuant to s. 295.17, F.S., or any resident certified to be totally disabled by the U.S. Social Security Administration. Such a person will be exempted from the income requirements if he or she also has held a saltwater products license for at least 3 of the last 5 license years prior to the date of the disability. There is no such exemption for former railway workers who receive retirement benefits from the Railroad Retirement Board and have been certified as totally and permanently disabled by the Board.

This statute also provides that a Disability Award Notice issued by the U.S. Social Security Administration is not sufficient certification for a resident to obtain the income exemption for the restricted species endorsement unless the notice certifies that the resident is totally disabled.

Pursuant to s. 370.13(3), F.S., the FWC issues depredation endorsements on saltwater products licenses of certified shellfish farmers that permit them to possess and use up to 75 stone crab traps and up to 75 blue crab traps for the incidental take of destructive or nuisance stone crabs or blue crabs within 1 mile of aquaculture shellfish beds. Any marine aquaculture producer as defined by s. 370.26, F.S., who raises shellfish may obtain a depredation endorsement by providing an aquaculture registration certificate to the commission. No stone crabs or blue crabs taken under this subsection may be sold or offered for sale. However, because the endorsement is on the saltwater products license, which is the document authorizing the sale of saltwater products, the FWC is concerned by the possibility of confusion as to whether nuisance crabs may be sold.

Section 370.19, F.S., comprises implementing legislation for the Atlantic States Marine Fisheries Compact, of which Florida is a member. The purpose of the compact is to promote the better utilization of the marine, shell, and anadromous fisheries of the Atlantic seaboard by the development of a joint program for the promotion and protection of such fisheries, and by the prevention of the physical waste of the fisheries from any cause. Each member state must appoint three representatives to the Atlantic States Marine Fisheries Commission. One must be the executive officer of the administrative agency of the state charged with the conservation of the fisheries resources to which the compact pertains. The second must be a member of the state legislature designated by the house committee on commerce and reciprocal trade of the state. The third must be a citizen having a knowledge of and an interest in the marine fisheries problem, to be appointed by the governor. The reference to the official designated by the "house committee on commerce and reciprocal trade" is archaic and does not reflect Florida's current legislative organization. Nor does a similar reference to this legislator as "commissioner on interstate cooperation." Section 370.20, F.S., comprises implementing legislation for the Gulf States Marine Fisheries Compact. This compact similarly provides for the appointment of a legislator to its commission using the same archaic provisions. The FWC would like to update these provisions to comply with current legislative organization and process.

Pursuant to s. 370.25(6) (a), F.S., it is unlawful to place artificial-reef-construction materials in state waters outside zones permitted by the U.S. Army Corps of Engineers or by the FWC. The authorizing state agency should be the Department of Environment Protection (DEP), which provides staff services to the Board of Trustees of the Internal Improvement Trust Fund, the owners of sovereignty submerged lands. The DEP currently accomplishes this function.

Section 372.105, F.S., creates the Lifetime Fish and Wildlife Trust Fund (LFWTF). The primary source of funds in the trust fund is receipts from the sale of lifetime fishing and hunting licenses, with the exception of the proceeds from the saltwater portion of the lifetime sportsman's license, which are deposited into the Marine Resources Conservation Trust Fund (MRCTF). This situation results from the former placement of saltwater fishing regulation in the DEP, which housed the MRCTF. As the regulation of saltwater fishing has been transferred to the FCT, there is no longer a reason for the proceeds from the saltwater portion of the lifetime sportsman's license not to be deposited into the LFWTF.

Pursuant to s. 372.561(5) (a), F.S., there is an exemption from hunting and fishing license fees for residents certified as totally and permanently disabled by the U.S. Department of Veterans Affairs, the U.S. Armed Forces, or the U.S. Social Security Administration. The exemption is not available to resident former railroad workers certified as totally and permanently disabled by the Railroad Retirement Board.

Pursuant to s. 374.977, F.S., the DEP is to approve the posting of and join in the selection of locations for regulatory markers for manatee protection. Since the transfer of the manatee program from the DEP to the FWC, this function is now a FWC responsibility.

III. Effect of Proposed Changes:

Section 1. Section 370.06(2)(a) 2., F.S., is amended to provide an exemption from the income requirement for issuance of a restricted species endorsement to any resident certified to be totally and permanently disabled by the Railroad Retirement Board. In addition, s. 370.06(2)(a) 2.g. II, F.S., which provides that a Disability Award Notice issued by the U.S. Social Security Administration is not sufficient certification for a resident to obtain the income exemption unless the notice certifies that the resident is totally disabled, is deleted.

Section 2. Section 370.13(3), F.S., is amended to change the depredation endorsement on a saltwater products license for certified shellfish farmers to a depredation permit and to clarify that the sole purpose of the depredation permit is to permit the taking of destructive or nuisance stone crabs and blue crabs within one mile of the producer's aquaculture shellfish beds. Also, in addition to prohibiting the sale or offer for sale of crabs taken under the permit, the changes prohibit the barter or exchange or offer to barter or exchange of such species.

Section 3. Section 370.19, F.S., is amended to delete archaic provisions and to require that the legislative member of the Atlantic States Marine Fisheries Commission will be designated by the Legislature or, in the absence of such a designation, the legislator will be designated by the governor, provided that if it is constitutionally impossible to appoint a legislator as a commissioner from a state, the legislative member will be appointed in such manner as is established by law. Specifically, the member will be appointed on a rotating basis by the President of the Senate or the Speaker of the House of Representatives, beginning with the Speaker's appointment.

Section 4. Section 370.02, F.S., is amended to remove archaic provisions and to specify that the legislative member of the Gulf States Marine Fisheries Commission will be appointed on a

rotating basis by the President of the Senate and the Speaker of the House of Representatives, beginning with the appointment by the President.

Section 5. Section 370.25, F.S., is amended to reflect that the DEP, rather than the FWC grants permits for the placement of artificial-reef-construction materials in state waters.

Section 6. Section 372.105, F.S., is amended to deposit proceeds from the sale of the saltwater portion of the lifetime sportsman's license into the LFWTF and clarify that the interest income in the trust fund will be available for the benefit of saltwater aquatic life.

Section 7. Section 372.561, F.S., is amended to exempt residents certified to be totally and permanently disabled by the Railroad Retirement Board from hunting and fishing license fees.

Section 8. Section 374.977, F.S., is amended to clarify that the FWC, rather than the DEP is responsible for approving the posting of regulatory markers for manatee protection, and, in cooperation with the inland navigation district, selecting sites for such markers. The FWC must also assume sign posting and maintenance responsibilities should an inland navigation district be unable to do so.

Section 9. The act will take effect July 1, 2001.

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:

Provisions providing an exemption from hunting and fishing license fees and the income requirement for a restricted species endorsement will benefit resident former railroad workers certified as totally and permanently disabled by the Railroad Retirement Board. The fee for a freshwater fishing license is \$12, for a saltwater fishing license the fee is \$12, and the fee for a hunting license if \$11. There is no fee for the restricted species endorsement.

C. Government Sector Impact:

Changing the deposit of the saltwater portion of the lifetime sportsman's license from the MRCTF to the LFWTF, will increase the LFWTF's revenues by approximately \$147,000 annually, and decrease the MRCTF's revenues by the same amount. As only the interest on the funds may be appropriated, the actual impact is significantly less.

The FWC would not be able to collect hunting and fishing license fees for those exempted by the bill. The amount of the loss is indeterminant at this time, but is expected to be insignificant. The changes of certain responsibilities between the DEP and the FWC will not affect the agencies, as the functions are currently being carried out by the appropriate agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Natural Resources:

Recognizes that the U.S. Social Security Administration does not certify persons to be totally disabled for the purpose of exemption from the income requirement for a restricted species endorsement or hunting and fishing license fees.

#2 by Natural Resources:

Deletes section six of the bill, which redirected the deposit of revenues from the saltwater portion of the lifetime sportsman's license. (WITH TITLE AMENDMENT)