

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.)

Prepared By: Government Efficiency Appropriations Committee

BILL: CS/SB 1866

SPONSOR: Government Efficiency Appropriations Committee and Senator Smith

SUBJECT: Fish and Wildlife Conservation Commission

DATE: April 26, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kiger</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/ 3 amendments</u>
2.	_____	_____	<u>JU</u>	<u>Withdrawn</u>
3.	<u>Keating</u>	<u>Johansen</u>	<u>GE</u>	<u>Fav/CS</u>
4.	_____	_____	<u>GA</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill contains a series of issues concerning the Fish and Wildlife Conservation Commission (FWCC). Included in the bill are:

- Revisions to membership criteria for the Boating Advisory Council.
- Reductions for stone crab trap certificate transfer fees.
- Creation of new individual/vessel saltwater products license.
- Repeal of the FWCC's environmental education grant program.

This bill substantially amends ss. 327.803, 370.06, 370.13, and 372.672, Florida Statutes; repeals s. 372.674, Florida Statutes.

II. Present Situation:

Boating Advisory Council

The Boating Advisory Council (BAC) was created by the Florida Legislature in 1994 and consisted of 16 members. It has since expanded to 17 members selected from the following groups:

- Manatee protection
- Water-related environmental groups
- Marine manufacturers
- Commercial vessel owners or operators
- Sport boat racing

- Scuba diving industry with experience in recreational boating
- Boating public
- State Representative
- State Senator
- Department of Environmental Protection
- U.S Coast Guard Auxiliary
- U.S. Power Squadron
- Inland Navigation Districts
- FWCC, who serves as chair

The Governor appoints the ten citizen members from nominations submitted by the FWCC.

Terms are for 2 years. According to the FWCC, just as members fully acclimate to the issues their term expires. This turnover has begun to hamper the effectiveness of the BAC. In recent years, the BAC has suffered from a lack of participation from some members. Current law does not address non-participating members.

The BAC considers issues relating to boating and diving safety education, boating related facilities, including marinas and boat testing facilities, and boat usage. The BAC is charged with making recommendations to the FWCC and to the Department of Community Affairs.

Saltwater Products License

Currently, anyone harvesting commercial quantities of saltwater products must be licensed by the state, s. 370.06(2), F.S. An individual saltwater products license (SPL) authorizes only that person to fish commercially, from shore or any vessel. The individual SPL is issued in the individual's name, must be with the individual when they are fishing, and costs \$50 for a resident, \$200 for a non-resident, and \$300 for anyone not a citizen of the United States.

A vessel SPL allows anyone on board that specific vessel to harvest fish without having to obtain an individual SPL. A vessel SPL is issued in the vessel registration number, must be on board the vessel, does not require the license holder to be on board when fishing, and costs \$100 for a resident, \$400 for a non-resident, and \$600 for anyone not a citizen of the United States.

Stone Crab Certificate Transfer Fee Reduction

The stone crab trap reduction program (s. 370.13, F.S.) is based on a passive system – when certificates are transferred/sold, the seller can transfer a percentage of the total. The percentage is established by FWCC rule. Currently, 77.5% of the holder's inventory can be transferred; the remaining 22.5% are taken out of the fishery, resulting in a corresponding reduction of traps in the water. Percentage of reduction is based on the total volume of certificates in the fishery – the smaller the total volume, the smaller the reduction percentage. The goal is to reduce the volume to 600,000. At the beginning of FY 2004-05, 1,458,708 certificates were issued.

The fee to transfer stone crab trap certificates is established in statute as \$2 per certificate transferred. There are two exceptions to this rate: 1) the transfer fee for crew members who can

document their participation in the stone crab fishery pursuant to the requirements of FWCC rule (68B-13(3)(j), F.A.C.) is \$1 per certificate; and 2) there is no transfer fee assessed when the transfer is to an immediate family member because of the death or disability of the certificate holder. A one-time surcharge of \$2 per certificate of 25%, whichever is greater, is also assessed the first time the certificates are transferred; but the surcharge is not assessed for any transfer within an individual's immediate family.

Environmental Education

FWCC is currently authorized to develop an environmental education grant program, which assists the public, through school teachers, state administrators including the Department of Education, and others, in understanding Florida's environment and the problems and issues facing Florida's ecosystems. The Advisory Council on Environmental Education (ACEE) serves to recommend to the FWCC an annual list of projects to be funded through the grant program that would implement the environmental education mission. Declining revenues in the two funding sources for the program – the Save the Manatee Trust Fund and the Florida Panther Research and Management Trust Fund – ultimately resulted in the elimination of funding of the program and its staff, effective July 1, 2003.

III. Effect of Proposed Changes:

Section 1. The bill amends s. 327.803, F.S., to revise the Boating Advisory Council (BAC) membership criteria in the following manner:

- Increase membership from 17 to 18 members;
- Requires one instead of two representative of water-related environmental groups;
- Requires one representative of canoe or kayak enthusiasts;
- “Sport boat racing” is dropped as a category and replaced with a representative from “marine special events;”
- Requires one representative of either the commercial fishing industry or the commercial shell fishing industry;
- Increases membership terms from 2 to 3 years and specifies that appointments are limited to two terms, except if filling an unexpired term;
- Specifies that members appointed by the Governor may serve no more than two full consecutive terms;
- Adds “boating access” and “working waterfronts” to the mission of the BAC;
- Provides for the filling of vacancies on the advisory council; and
- Provides for the removal of a member for cause;

Section 2. The bill amends s. 370.06(2), F.S., to create a new saltwater products license (SPL) - an individual/vessel SPL, that is a combination of the current two licenses. The individual/vessel SPL would be obtained by an individual, would allow the license holder to harvest fish from different vessels, as well as cover the crew fishing with them, and must be with the license holder whenever they are fishing. The new license would allow the commercial fisher who may have several vessels, but who only fishes one vessel at a time, the opportunity to purchase only one license. The proposed license fee represents a combination of the license fees for the

individual SPL and the vessel SPL: \$150 for a resident; \$600 for a non-resident; and \$900 for anyone not a citizen of the United States.

Section 3. The bill amends s. 370.13(1), F.S., to reduce stone crab transfer fees and the per certificate transfer surcharge in half and applies the new fees and surcharge amounts to the 2005-06 license year and subsequent years.

Section 4. The bill repeals s. 372.674, F.S., to eliminate the FWCC’s environmental education grant program.

Section 5. The bill deletes a provision in s. 372.672(2), F.S., to conform the authorized uses of Florida Panther Research and Management Trust Fund to the repeal of the environmental education grant program.

Section 6. The bill provides that the bill shall take effect on July 1, 2005.

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:

Stone Crab Certificate Transfer Fee Reduction Proposal

Current Fees for Certificate Transfers

Transfer (outside of immediate family) -	\$2 per certificate
Transfer to eligible crew member -	\$1 per certificate
Transfer surcharge (outside of immediate family - first time transferred only)	\$2 per certificate or 25%, whichever is greater

Proposed Fees for Certificate Transfers

Transfer (outside of immediate family) -	\$1 per certificate
Transfer to eligible crew member -	\$.50 per certificate
Transfer surcharge (outside of immediate family - first time transferred only)	\$1 per certificate or 25%, whichever is greater

The fiscal impact of the reduction in the stone crab certificate transfer fee is indeterminate, but expected to result in an insignificant loss of revenue to the Marine Resources Conservation Trust Fund.

The new individual/vessel saltwater products license is estimated by the FWCC to reduce revenues to the Marine Resources Conservation Trust Fund by \$67,875 annually.

B. Private Sector Impact:

The FWCC projects that the creation of the new individual/vessel SPL would provide for a savings to saltwater commercial fishers who have more than one SPL and who currently affix various endorsements. The new license would allow the fisher who personally fishes on more than one vessel, during the year, to only have to purchase one SPL and, thus, one endorsement.

The FWCC anticipates that the reduction in the stone crab trap transfer fees will help to stimulate sales, which would assist those in the industry who wish to sell their inventory of stone crab traps and would facilitate the reduction in the number of excess stone crab traps in the water.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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