

2014 Session Legislative Proposals



September 6, 2013

Fish and Wildlife Conservation Commission
Legislative Affairs

FWC00002

This presentation was updated on August 19th to reflect the correct package of proposals being presented to the Commission.

Repeal Special Recreational Spiny Lobster License

- Created for commercial lobstermen licensed in 1993-94, beginning in 1994-95 season
- Allowed them additional recreational harvest of lobsters
 - 1994-95 season - bag limit of 50 lobster/person/day
 - Bag limit reduced by 5 every year beginning in 2004-05
 - 2012-13 season - bag limit of 5 (less than the recreational bag limit of 6)
- \$100 annual fee
- Not issued since 2011-12 license year



This proposal would repeal the Special Recreational Spiny Lobster license. The license, also known as the Master Blaster, was created by the Legislature in 1994, when marine fisheries were under the jurisdiction of the former Marine Fisheries Commission – one of the predecessor agencies of the Fish and Wildlife Conservation Commission. It was created for commercial lobster fishermen, who were licensed during the 1993-94 season, and became effective for them during the 1994-95 season.

The license allowed these lobstermen to take a larger recreational harvest than that allowed for recreational harvesters. It cost \$100. In 1994, the recreational saltwater fishing license cost \$12, plus the lobster permit, required of recreational anglers fishing for lobster, was \$2. Today, the recreational saltwater fishing license is \$15, and the lobster permit is \$5. The first year, 522 special recreational spiny lobster licenses were issued.

Initially, this special lobster license bag limit was 50 lobsters/day for the licensee, compared to 6 lobster/day, recreationally. The Commission also established a schedule that would decrease the bag limit by 5 lobsters each year, beginning in the 2004-05 season, in order to eventually phase out the license. By the 2012-13 season, the bag limit for this license was 5 lobster/day – 1 less than the recreational bag limit. So, the last time the license was issued was for the 2011-12 season – 46 were issued.

There is no fiscal impact.

Allow Additional Uses of County Vessel Registration Fees

- Allow removal of debris that impedes boating access/navigation, not including dredging
 - Current law allows the removal of derelict vessels
- Allow “maintenance and/or operation” of uniform waterway markers, public boat ramps, lifts, hoists, marine railways, and other public launching facilities
 - Current law allows only for the “provision” of these uses
- Add boat piers, docks, and mooring buoys to list of permitted uses



This proposal would allow counties to use their portion of vessel registration fees in additional ways.

Current law requires most boats to be registered with the Dept. of Highway Safety & Motor Vehicles. The registration fee is based on the length of the boat, and ranges between \$5.50 to almost \$190. The fees are divided between the State and the county in which the boat is registered. The law directs how these fees can to be used – all to advance boating.

The counties' portion specifically is authorized to be used to remove derelict vessels, but not to remove debris that inhibits navigation. This issue would allow the counties to use these revenues to remove debris, when it impedes access to navigation – but they could not use them for dredging.

Counties are also allowed to use the revenue to “provide” for uniform waterway markers, public boat ramps, lifts, hoists, marine railways, and other public launching facilities. This proposal would allow for the “operation and maintenance” of these facilities and infrastructure. The proposal would also add boat piers, docks, and mooring buoys to the list of permitted facilities and infrastructure.

All of these additional uses are for to advance boating and are consistent with the original intent. There is no fiscal impact.

Online Mandatory Boating Safety Education Course for Boating Law Violators

- Allow mandatory boating safety education course for violators to be taken online, as well as in person
 - Current law requires personal attendance
- Reflects today's technology with greater availability of online courses, while classroom courses have been declining



This proposal would allow the boating safety course that is mandatory for boating law violators to be taken online, as an alternative to taking it in person.

Current law requires that boaters who violate certain laws must take a boater safety course in a classroom setting – due to a concern about the lack of supervision if taken in a home study course or online. The types of violations requiring this mandatory education course include: 1) All criminal violations – such as Boating Under the Influence, leaving the scene of an accident, reckless operation; 2) All non-criminal violations that require the individual to report the accident – such as a death, injury requiring more than first aid, or property damage in excess of \$2000; and 3) Two or more non-criminal infractions occurring within a 12-month period – such as boating over the speed limit or in restricted areas, not having required safety equipment, violation of navigation rules, etc.

The requirement to attend a mandatory course was first established in 1996, when no online boating safety courses were available. Today, however, over 60% of those who have to take the regular course (those born after Jan. 1, 1988), take it online.

Offerings for in-person courses are declining. Most of these courses are taught by volunteers of the US Coast Guard or US Power Squadron. FWC cannot mandate when these courses are to be offered. Furthermore, online courses, now, can incorporate security features, such as an electronic signature and pop-up questions, to ensure that the person taking the online course is the one who is supposed to take it.

The fiscal impact is not known, but is estimated to be small. The impact would be on the current course providers, who may see a decline in enrollment.

Hunting License on Public Lands

- Authorize the Commission to require a hunting license for hunting wildlife, not just game species, on public lands
- Initiated to require license to hunt hogs, but would allow Commission to require license for other wildlife species
- Would require rule or Executive Order for each species



This proposal would give the Commission the authority to require a hunting license to hunt wildlife, not just game, on public lands. This issue was originally proposed to deal with hunting hogs on wildlife management areas, but it was expanded to include all wildlife should a similar situation happen in the future.

Hogs are not a game species, but are the second most hunted species in Florida, after white-tail deer. They are popular to hunt on public and private lands. While it was assumed by many that hunting hogs on public lands require a license, that is not the case. This proposal would authorize the Commission to require a hunting license on public lands, on a species by species basis.

The requirement would have to be implemented by Commission rule or by an Executive Order.

The fiscal impact is unknown, but is anticipated to be small, since it is estimated that most who hunt on public lands either already have a hunting license to hunt other game species, or think that one is required to hunt (hogs) on public lands.

Correct Outdated Statutory Reference

- **Replace reference to the Dept. of Children and Families with the Agency for Persons with Disabilities**
 - Clients receiving developmental disability services from the State are exempted from having to possess a recreational fishing license
 - These services are now provided by the Agency for Persons with Disabilities



This proposal simply replaces an outdated statutory reference to the state agency that provides disability services to Florida's citizens.

There is a recreational fishing license exemption for those clients of the State receiving developmental disability services. The Dept. of Children and Families used to provide those services. Now, they are provided by the Agency for Persons with Disabilities.

This proposal would change the name in statute. There is no fiscal impact.

2014 Session Legislative Proposals

Staff Recommendation

- Approve proposals to be submitted to the Legislature for the 2014 Legislative Session
- Authorize Executive Director in consultation with the Chairman to make adjustments on these proposals and advise on other legislation, as needed, through the 2014 Legislative Session



Staff recommends that these proposals be approved for submission to the Legislature for the 2014 Session.

In addition, staff requests that the Executive Director, in consultation with the Chairman, be allowed to make adjustments on these proposals and advise staff on other legislation, as needed, through the 2014 Session.