

## **2007 Session – Week 2**

This second week of the 2007 Session is completed with no committee hearings on our legislation (blue crab and funding strategies). Although there was no visible discussion, a lot of behind the scenes work took place in preparation for deliberations in their next committees of reference.

In the House, FWC's legislation, PCB ENRC 07-07 will be heard next in the Environment and Natural Resources Council, chaired by Rep. Stan Mayfield. We do not expect the Council to schedule it this coming week because the Council will be drafting the budgets for the agencies within its jurisdiction – FWC, Dept. of Environmental Protection, Dept. of Agriculture and Consumer Services, and Dept. of Citrus.

In the Senate, the next committee of reference for the blue crab bill, SB 1980, is the Governmental Operations Committee, chaired by Sen. Al Lawson. We do not expect it to be placed on the committee agenda next week, but we are visiting with each member in the meantime. The funding strategies legislation, SB 1982, goes to the Finance and Taxation Committee, chaired by Sen. Mike Haridopolos. We do not expect the bill to be placed on the committee's agenda next week, either, but we are visiting with those members, as well. Because of the responsibilities assigned to the Finance and Taxation Committee (approving all new fees, taxes, etc., among others), this will most likely be a tough committee for SB 1982, but we are hopeful that it will pass.

In case there was any confusion with my report from last week pertaining to SB 1982, the sponsor of the bill, the Environmental Preservation and Conservation Committee, chaired by Senator Burt Saunders, accepted the increased fees for fishing and hunting licenses that FWC suggested:

- hunting license - \$15.50 (currently, \$11.00)
- saltwater fishing license - \$15.50 (currently, \$12.00)
- freshwater fishing license - \$15.50 (currently, \$12.00)

Regarding the budget, Ken Haddad made a presentation to the Senate General Government Appropriations Committee this past week regarding FWC's programs funded from our base recurring (or continuation) budget, i.e. the part of our budget that is carried forward every year, totaling \$220.8 million. The Committee is hearing from every department under its jurisdiction.

Next week, both House and Senate appropriations committees will draft their respective budgets; so much of our attention (and the rest of state government) will be on the budget process. There is no new budget report for this week, since nothing has changed from Week 1; however, we are attaching, again, FWC's budget request for the 2007-08 Fiscal Year, as approved by the Commission.

## 2007 Session FWC Legislation

### SB 1980, SB 1982/PCB ENRC 07-07 – Senate Committee on Environmental Protection and Conservation/House Environment and Natural Resources Council

SB 1980 authorizes up to 10% of revenues generated from the manatee, panther, and bass specialty license plates to be used for **marketing** and increases the fee for the turtle specialty license plate from \$17.50 to \$23.00. The legislation authorizes endorsement, trap tag, and trap retrieval fees for the **blue crab effort management program**, including: hard shell endorsement fee of \$125.00, soft shell endorsement fee of \$250.00, displaced netters endorsement fee of \$125.00, incidental take endorsement fee of \$25.00, trap tag fee of \$.50/each, trap retrieval fee of \$10.00 per trap retrieved, except endorsement holders would be exempt for the first five traps; \$25.00 of each endorsement fee except incidental take is directed to the trap retrieval program. It waives blue crab fees for the 2007-08 license year, waives replacement trap tag fees in a disaster for the blue crab, spiny lobster, and stone crab fisheries, and authorizes a per trap retrieval fee of \$10.00 for the **black sea bass** fishery. It authorizes criminal penalties up to a 3<sup>rd</sup> degree felony and administrative fines up to \$5000.00 for violations of blue crab laws, and authorizes up to \$5000.00 in administrative fines for counterfeit trap tag violations of **spiny lobster** laws. It requires FWC to publish its due process procedures in rule and deletes legislative intent that FWC has “full constitutional” authority over marine life. SB 1980 was referred to the committees on Environmental Protection and Conservation, Governmental Operations, Finance and Taxation, and General Government Appropriations. It passed out of Environmental Protection and Conservation, and will be heard next in Governmental Operations.

SB 1982 encompasses FWC’s **funding strategies** proposals including: allowing FWC to collect voluntary donations when hunting and fishing licenses are sold to be transferred to the Wildlife Foundation of Florida; increasing resident annual hunting license fees from \$11 to \$15.50, saltwater fishing and freshwater fishing license fees from \$12 to \$15.50; increasing the resident annual combination hunting and freshwater fishing license fee from \$24.00 to \$31.00, combination freshwater and saltwater fishing license fee from \$24.00 to \$31.00, and combination hunting, freshwater and saltwater fishing license fee from \$34.00 to \$46.50; increasing the resident 5-year hunting licenses from \$55.00 to \$77.50, and 5-year saltwater and freshwater fishing licenses from \$60.00 to \$77.50; increasing the resident sportsman’s license fee from \$71.00 to \$79.00, and gold sportsman’s license fee from \$87.00 to \$98.50; increasing non-resident saltwater fishing 3-day license fees from \$5 to \$15.50, creating a freshwater fishing 3-day license fee at \$15.50; increasing non-resident saltwater and freshwater 7-day license fees from \$15.00 to \$28.50; and increasing non-resident annual saltwater and freshwater fishing license fees from \$30.00 to \$45.50. The military gold sportsman’s license and non-resident hunting licenses would remain at current prices since they were last changed in 2005 and 2003, respectively. It increases the waterfowl permit from \$3.00 to \$10.00, the resident turkey permit from \$5.00 to \$10.00, and

the snook permit from \$2.00 to \$10.00; it also clarifies how all snook revenues may be spent – law enforcement, management, research, stock enhancement, and public education, and requires an annual report be sent to the Senate, House, and Governor. Amended out of the options FWC submitted was the repeal of the saltwater shoreline exemption, so the current exemption remains. SB 1982 was referred to committees on Environmental Protection and Conservation, Finance & Taxation, and General Government Appropriations. It passed out of Environmental Protection and Conservation, and will be heard next in Finance and Taxation.

PCB ENRC 07-07 encompasses FWC's **funding strategies** proposals including: increasing the resident annual hunting license fee from \$11 to \$17.50, saltwater fishing and freshwater fishing license fees from \$12 to \$17.50; increasing the resident annual combination hunting and freshwater fishing license fee from \$22.00 to \$34.00, combination freshwater and saltwater fishing license fee from \$24.00 to \$34.00, and combination hunting, freshwater and saltwater fishing license fee from \$34.00 to \$50.50; ; increasing resident 5-year hunting license fees from \$55.00 to \$78.50, and 5-year saltwater and freshwater fishing license fees from \$60.00 to \$78.50; increasing the resident annual license fee to take fur-bearing animals from \$25.00 to \$26.00; increasing the resident sportsman's license fee from \$71.00 to \$80.00, the annual sportsman's license fee for a resident who is 64 years of age or older from \$12.00 to \$13.00, and the gold sportsman's license from \$87.00 to \$99.50; increasing the military gold sportsman's license fee from \$18.50 to \$19.50; increasing non-resident saltwater fishing 3-day license fees from \$5.00 to \$17.50, creating a freshwater fishing 3-day license fee at \$17.50; increasing non-resident saltwater and freshwater 7-day license fees from \$15.00 to \$30.50; increasing the non-resident 10-day hunting license fee from \$45.00 to \$46.00; increasing the non-resident annual saltwater and freshwater fishing license fees from \$30.00 to \$47.50; and increasing the non-resident annual hunting license fee from \$150 to \$151.00. Fees were increased \$1.00 from the options that FWC submitted to assist the agency with its funding shortfalls, and were increased another \$1.00 for every hunting and fishing license or combination thereof, the proceeds of which would be specifically directed for youth hunting and fishing programs. The legislation increases the waterfowl permit from \$3.00 to \$10.00, the resident turkey permit from \$5.00 to \$10.00, and the snook permit from \$2.00 to \$10.00; however, only 20% of snook revenues must be used for snook programs, the other 80% is not designated. FWC submitted another option - repeal of the saltwater shoreline exemption - but it was not picked up, so the current exemption remains. The legislation repeals current law that specifies recreational saltwater fishing license fees be used for administration, information, education, law enforcement, research, management, and fisheries enhancements; and also repeals the direction to the Legislature to appropriate annually to FWC an amount of General Revenue that equals what was appropriated to the Dept. of Environmental Protection during 1998-99 Fiscal Year to be used for saltwater fisheries programs. The legislation authorizes up to 10% of revenues generated from the manatee, panther, and bass specialty license plates to be used for **marketing** and increases the fee

for the turtle specialty license plate from \$17.50 to \$23.00. The legislation authorizes endorsement, trap tag, and trap retrieval fees for the **blue crab effort management program**, including: hard shell endorsement fee of \$125.00, soft shell endorsement fee of \$250.00, displaced netters endorsement fee of \$125.00, incidental take endorsement fee of \$25.00, trap tag fee of \$.50/each, trap retrieval fee of \$10.00 per trap retrieved, except endorsement holders would be exempt for the first five traps; \$25.00 of each endorsement fee except incidental take is directed to the trap retrieval program. It waives blue crab fees for the 2007-08 license year, waives replacement trap tag fees in a disaster for the blue crab, spiny lobster, and stone crab fisheries, and authorizes a per trap retrieval fee of \$10.00 for the black sea bass fishery. It authorizes criminal penalties up to a 3<sup>rd</sup> degree felony and administrative fines up to \$5000.00 for violations of blue crab laws; and authorizes up to \$5000.00 in administrative fines for counterfeit trap tag violations of spiny lobster laws. The legislation requires FWC to adopt its due process procedures into rule and changes statutory intent regarding FWC's authority over marine fish. The legislation was recommended by the Conservation and State Lands Committee and will be heard next in the Environment and Natural Resources Council.

### **2007 Session Legislation of Interest**

HJR 79/SJR 2170, Department of Interior - Rep. Needelman/Sen. Baker  
This legislation would place on the ballot, at the next general election or a special election, the creation of a new Cabinet office of the Commissioner of the Interior, creates a Department of Interior, and abolishes FWC. The Commission of Interior and the Department would have responsibilities for conserving and protecting the State's natural resources and scenic beauty, including fish and wildlife. If approved by the voters, the Commissioner would be elected in the 2010 election for a 2-year term to begin January 1, 2011, followed by subsequent 4-year terms. The creation of the Department of Interior would take effect July 1, 2011, at which time FWC would go out of existence. HJR 79 was referred to the Environment and Natural Resources Council, Conservation and State Lands Committee, and Policy and Budget Council. SJR 2170 was referred to the committees on Environmental Preservation and Conservation, Governmental Operations, and General Government Appropriations.

### HB 159/SB 678, Law Enforcement Salary Incentives – Rep. Brandenburg/Sen. Wise

This legislation increases the incentives for full-time officers to get college degrees, when they are in positions that do not require 4-year or advanced degrees. For a community college degree, the monthly incentive increases from \$30.00 to \$75.00; for a bachelor's degree, the monthly incentive is increased from \$50.00 to \$95.00; however, the maximum aggregate monthly amount increases from \$130.00 to \$175.00. HB 159 was referred to the Safety and Security Council, Homeland Security and Public Safety Committee,

and Policy and Budget Council. SB 678 was referred to the committees on Criminal Justice, Governmental Operations, and General Government Appropriations.

HB 299/SB 1486, Florida Springs Protection Act – Rep. Boyd/Sen. Oelrich

This legislation creates the Florida Springs Commission for the purpose of identifying protection, restoration, and preservation strategies for Florida's springs. The Commission is made up of agency heads of the departments of Agriculture & Consumer Services, Community Affairs, and Environmental Protection; FWC's executive director; representatives from a water management district's governing board; a regional planning council, the Florida Chamber of Commerce, the Florida Association of Community Developers, the American Water Works Association, the Florida Home Builders Association; 3 gubernatorial appointees; 3 Senate President appointees; and 3 Speaker of the House of Representatives appointees. DEP's Secretary will serve as chair and all state agencies are directed to assist the Commission. The Commission shall assess existing conditions of Florida's 1<sup>st</sup> and 2<sup>nd</sup> magnitude springs, GIS map them, and recommend strategies for protecting them, including the development of an overall model springs protection plan and individual ones. The Commission sunsets July 1, 2011. HB 299 was referred to the Environment and Natural Resources Council, Conservation and State Lands Committee, and Policy and Budget Council. SB 1486 was referred to the committees on Environmental Protection and Conservation, Community Affairs, and General Government Appropriations.

SB 548/HB 1069, Protection of Seagrasses – Sen. Bennett/Rep. Kendrick  
SB 2178, Restoration of Seagrass Beds – Sen. Bennett

SB 548 and HB 1069 create penalties for careless operation of vessels outside of a marked channel that result in seagrass scarring. Both bills create a non-criminal infraction, including increased fines for repeat offenders, when seagrass scarring occurs in an aquatic preserve due to careless operation of a vessel outside a marked channel. All fines are directed to be used for implementation, administration, and enforcement of the law, restoration, and education. SB 548 was referred to the committees on Environmental Protection and Conservation, Transportation, Judiciary, and General Government Appropriations. It passed out of Environment Protection and Conservation, March 14, with an amendment conforming it to HB 1069. HB 1069 was referred to the Environment and Natural Resources Council, Conservation and State Lands Committee, and Policy and Budget Council. It passed out of Conservation and State Lands, March 14.

HB 759/SB1856, Artificial Reefs – Rep. Holder/Sen. Bennett

This legislation expands FWC's artificial reef grant program to specifically secure and place MARAD and Navy decommissioned ships in Florida. It establishes the USS General Hoyt Vandenberg as a pilot project. It authorizes up to \$12 million for this new component of the grant program, limiting any

one grant to no more than \$3 million, to be matched by non-state dollars at a proportion of 1/3 state to 2/3 non-state. \$2 million is authorized for the Vandenberg pilot project. FWC is required to promulgate rules adopting procedures for the program. It requires FWC to submit annual reports to the Governor and Legislature detailing expenditure of funds and success of projects. HB 759 was referred to the Environment and Natural Resources Council, Conservation and State Lands Committee, and Policy and Budget Council. HB 767 was referred to SB 1856 was referred to the committees on Environmental Preservation and Conservation, Commerce, Community Affairs, Transportation and Economic Development Appropriations.

HB 767/SB 1988, Vessel Sound Devices – Rep. Snyder/Sen. Crist

This legislation prohibits, when on a vessel, the amplification of sound from a radio, compact disc, tape player, instrument, or other electronic device when the sound is plainly audible from 100 feet or more from the vessel, within 100 feet from a shoreline, or louder than necessary in areas adjoining churches, schools, or hospitals. Exemptions apply to law enforcement, sound signals in compliance with navigation rules, certain commercial vessels, and regattas or other marine events. It creates a non-criminal infraction for violating the law. HB 767 was referred to the Environment and Natural Resources Council and Conservation and State Lands Committee. SB 1988 was referred to the committees on Environmental Preservation and Conservation and Community Affairs. It was temporarily postponed at the March 14 meeting of Environmental Preservation and Conservation.

HB 957/SB 2082, Environmental Permitting – Rep. Williams/Sen. Bennett

This legislation creates legislative intent to streamline environmental permitting between and among state and federal agencies. It authorizes the Dept. of Environmental Preservation (DEP) to obtain from the U.S. Army Corps of Engineers issuance of an expanded state general programmatic permit or regional permits for water/wetland activities that will cause only minimal adverse environmental effects; directs the DEP to seek issuance or take action only when conditions are at least protective of existing state law; adds slash pine and gallberry to the list of state species, which will facilitate issuance of a general permit. It authorizes DEP and the water management districts to implement a voluntary statewide programmatic general permit for all dredge and fill activities impacting 5 acres or less of wetlands/surface waters. If an applicant seeks to use such a permit, he/she consents to the landward-most delineation of wetlands/surface water and to applicable federal wetland regulatory criteria. It exempts agriculture and silviculture lands that were converted from non-wetland pine flatwoods and requires DEP to provide training to state and local governments. HB 957 was referred to the Environment and Natural Resources Council and the Environmental Protection Committee. It passed out of the Environmental Protection Committee, March 14. SB 2082 was referred to the committees on Environmental Preservation and Conservation, Governmental Operations, and General Government Appropriations.

HB 973/SB 2592, Springs License Plate – Rep. Boyd/Sen. Argenziano

This legislation creates a new specialty license plate entitled, "Protect Florida Springs", with a fee of \$25.00. Funds generated are directed to the Wildlife Foundation of Florida to be used as follows: the first \$60,000 to be given to Wildlife Trust of Florida as reimbursement for costs incurred in the development and approval process; up to 15% may be used for marketing; up to 10% may be used for administrative costs; at least 55% shall be used for grants for projects related to education, outreach, and springs protection; up to 20% shall be distributed to Wildlife Trust of Florida for grants and support of the organization's springs conservation and research activities, educating teachers and students, development of educational opportunities and materials, development of new technologies, springs enhancement and restoration, and implementation of programs that protect and manage Florida's springs. HB 973 was referred to the Economic Expansion and Infrastructure Council, the Committee on Infrastructure, and the Policy and Budget Council. It was temporarily passed in the Committee on Infrastructure, March 13, and will be brought back up at the committee meeting, March 19. SB 2592 has not been referred.

HB 997/SB 1858, Automated Telephone Answering Systems, State Agencies – Rep. Williams/Sen. Bennett

This legislation requires all state agencies that use automated telephone answering systems to make available in the first minute of any telephone call a menu option that allows the caller to reach an employee who is trained to answer basic questions or who can direct the caller to someone who can respond to the caller during regular hours of operation. Agencies have until January 1, 2008, to implement the requirement. Each state agency shall provide at least 2 telephone lines to handle the requirement and shall monitor on-hold time with the goal of an average on-hold time of 5 minutes or less per call. During nonoperational hours, automated telephone answering systems may be used exclusively. The State Technology Office (STO) shall adopt rules by January 1, 2008, requiring each state agency to submit an annual written report to the STO by July 1, describing actions taken to comply with the law, documenting average on-hold time, and a plan to reduce on-hold time if it exceeds 5 minutes; the STO also must submit an annual report to the Governor, President, and Speaker by Sept. 30. Agencies must implement the provisions within existing resources. No cause of action is authorized in favor a person due to the failure of a state agency complying with the law. HB 997 was referred to the Government Efficiency and Accountability Council, Audit and Performance Committee, and the Policy and Budget Council. SB 1858 was referred to the committees on Governmental Operations, Commerce, and General Government Appropriations.

HB 1003/SB 1676, Law Enforcement Off-Road Vehicles – Rep. Pickens/Sen. Oelrich

This legislation allows law enforcement agencies to operate all-terrain vehicles on any street, road, or highway while carrying out official duties; however,

they must be marked and may be equipped with special warning lights, signaling devices, or other approved equipment on law enforcement vehicles. HB 1003 was referred to the Economic Expansion and Infrastructure Council and the Infrastructure Committee. It passed out of the Infrastructure Committee, March 8. SB 1676 was referred to the committees on Transportation and Criminal Justice. It passed out of the Transportation Committee, March 13.

HB 1033/SB 2078, Agency Inspectors General – Rep. Bean/Sen. Bennett

This legislation prohibits agency employees from preventing the agency's Inspector General from carrying out his/her responsibilities related to audits or investigations. It requires the Chief inspector General in the Governor's Office to adopt policies and procedures for reviewing an agency's Inspector General's investigative report including offering those substantially affected by such a report an opportunity to challenge the report in writing or to seek review by the Chief Inspector General, identifying the entities and individuals who can write a response, providing a review process by the Chief Inspector General, allowing the Chief Inspector General to independently investigate an agency's Inspector General's report/investigation, and exemptions from the review process for certain types of investigations, among others. HB 1033 was referred to the Government Efficiency and Accountability Council, the Audit and Performance Committee, and the Policy and Budget Council. SB 2078 was referred to the Governmental Operations Committee.

HB 1243/SB 1616, Driving/Boating Under the Influence – Rep. Harrell/Sen. Aronberg

This legislation increases the penalty for driving or boating under the influence (DUI/BUI). It repeals the maximum time a defendant may be placed on probation (1 year) for the 1st violation; it deletes the timeframe (within 10 years) for a 3<sup>rd</sup> violation; and creates a minimum mandatory penalty for a 4<sup>th</sup> or subsequent violation of imprisonment for not less than 2 years, allowing for reduced incarceration when the defendant attends a residential drug or alcohol abuse treatment program. It requires the impoundment or immobilization of all vehicles owned by the individual for 120 days to run concurrently with revocation of his/her driver's license; and requires the impoundment or immobilization for 120 days of the vessel that was operated by or in the control of the individual or any one vehicle registered in the defendant's name. The individual's fingerprints and social security number will be affixed to all written judgments of guilty. HB 1243 was referred to the Safety and Security Council, the Homeland Security and Public Safety Committee, and the Policy and Budget Council. SB 1616 was referred to the committees on Transportation, Criminal Justice, Judiciary, and Criminal and Civil Justice Appropriations. SB 1616 is scheduled to be heard in the Transportation Committee, March 20.

HJR 1297/SJR 2528, FWC Rule Challenges – Rep. Needelman/Sen. Baker

This legislation would place on the ballot, at the next general election or special election, an amendment to the Constitution that requires FWC to establish in its due process procedures a rule challenge process that follows the Administrative Procedures Act; establishes that in a rule challenge, the burden of proof shall be on FWC to show that a preponderance of the evidence that the rule is supported by competent and substantial evidence and that the evidence demonstrates the rational basis for the rule; and that FWC rules shall not be based on speculation unsupported by evidence or empirical data. HJR 1297 was referred to the Environment and Natural Resources Council and the Conservation and State Lands Committee. SJR 2528 has not been referred.

HB 1505/SB 2766, Reptiles of Concern – Rep. Poppell/Sen. Posey

HB 1505 requires the Commission to establish a list of “reptiles of concern” for those reptiles requiring additional regulation for capture, possession, transportation, or exhibition due to their nature, habits, status, or potential to impact humans or the environment. It establishes a \$100.00 license for anyone capturing, keeping, possessing, or exhibiting reptiles of concern, but authorizes the Commission to reduce the fee if there is general compliance with the law that results in reduced costs for FWC. Those who have to have a \$100.00 venomous reptile license and who meet the requirements for reptiles of concern do not have to pay the fee for their reptile of concern license. Bonds for exhibiting venomous reptiles are increased from \$1000.00 to \$10,000.00, and bonds for exhibiting Class I captive wildlife are established at \$10,000.00. The legislation establishes a penalty structure from a non-criminal infraction to a 3<sup>rd</sup> degree felony, for violation of captive wildlife laws, including increased penalties for repeat offenders. HB 1505 was referred to the Environment and Natural Resources Council, Conservation and State Lands Committee, and the Policy and Budget Council.

SB 2766 requires the Commission to establish a list of regulated reptiles for those requiring regulation for possession, transportation, or exhibition. It establishes a \$100.00 license for anyone keeping, possessing, or exhibiting a regulated reptile, and requires a \$10,000.00 bond for anyone exhibiting regulated reptiles. It requires the Commission to establish, by rule, a reporting system for those possessing regulated reptiles, including the acquisition, possession, transfer, and disposition of a regulated reptile. It establishes a 1<sup>st</sup> degree misdemeanor for anyone violating regulated reptile laws and for knowingly releases or through gross negligence allows a regulated reptile to escape. SB 2766 has not been referred.