

Enforcement Response Document April 2016

***For context on this document, please see meeting minutes from April 2016.**

Title:

N-7: Offer an online exam to receive a discount on fishing licenses (create an incentive-based program).

Background:

- This recommended management action is to be implemented statewide and pertains to all people wanting a Florida fishing license.
- This recommended management action is being put forth to decrease the number of people who fish illegally or are unaware of fishing laws or regulations. This recommended management action would eliminate violations and non-compliance as a result of misunderstanding or lack of knowledge.

Objective:

- The intended outcome of this action is to have a collective online exam with questions about the Coral Reef Protection Act, Florida Fish and Wildlife Conservation Commission (FWC) rules, and basic boating laws that will be given to people purchasing fishing licenses in the state of Florida. This exam would be optional to anyone applying for a fishing license. This would also include an increase in the cost of fishing licenses. However, those who voluntarily take the course would receive a discount back to the original price. This will result in better educated people who collect fish/invertebrates for food consumption. This incentive-based program would consist of a single online exam with at least 50 questions to answer. In order to pass, the exam must have a final score of 75 percent. A paper option will also be made available for those who cannot access a computer.

Intended Benefits and/or Potential Adverse Effects:

- Benefits of implementation of this recommended management action include: (1) people becoming more aware of the coral reefs and their ecosystems which will help with taking the wrong species or prevent illegal catches of species, (2) aid in the protection of the reefs and resources, (3) inform and educate boating (and fishing) public about fishing regulations or where to find them, (4) increased knowledge about reef ecology and safe boating practices around reefs, marine debris, sea turtle strandings etc. thus making resource users more responsible, (5) instilling a sense of reef/ocean stewardship in the public and (6) could increase trash collection by users.
- Some possible issues that may arise with implementation of this recommended management action would include pushback from the fishing community, cost to create, and the time spent to update the exam. There may be pushback from the general public regarding an increase in license fees that could occur as well.
- The duration of the benefits of this recommended management action is long lasting.

- If this recommended management action is not implemented, problems with compliance of FWC laws or boating rules will continue to exist, so the number of violations will still be high. Also, the number of boating accidents will remain high due to a lack of a requirement to know the rules and laws.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be FWC.
- Other potential agencies or organizations who could be involved include the National Oceanic and Atmospheric Administration (NOAA), The Snook and Gamefish Foundation, fishing clubs, such as the West Palm Beach Fishing Club and non-governmental organizations such as the Coastal Conservation Association Florida.
- The key stakeholders for this recommended management action would be the fishing and diving community.
- This action would support all existing legislative considerations.

Permitting/ Enforcement Requirements of RMA:

- Permitting requirements include taking the online exam, but no permit would be required to implement the exam.
- There are no enforcement requirements for this recommended management action.
- Means of demonstrating success of this recommended management action include having the exam go live online and exam results enforced when purchasing licenses. If the program is successful, the number of violations due to lack of knowledge before and after implementation should decrease.

Cost:

- The estimated direct cost of implementing this recommended management action is \$50,000 - \$100,000. This would be dependent on several things, such as creating and updating exam content and database management.
- The associated costs are variable and depend on several factors, including the amount of content/curriculum involved, the number of individuals taking the test on an annual basis and who the ultimate data manager will be. These costs would have to be negotiated once these factors have been defined.
- Potential funding can be acquired through: FWC, the International Game Fish Association, possibly the NOAA Coral Reef Program, and federal grants (sport fishing restoration money).

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is 3 - 5 years.

Miscellaneous Info:

- This recommended management action is linked to N-45.
- This idea was examined by SEFCRI, Fishing Diving and Other Uses Project 2, 5, 6, and 7. The suggestion was made to use the information obtained from those projects to better inform this recommendation.
- An existing program in Bonaire requires divers to view a video before diving in the Bonaire National Marine Park.
- FWC requires purchasers of hunting licenses to take a hunter safety course (<http://myfwc.com/hunting/safety-education>). It seems that the number of hunting incidents significantly declined within five years of the program inception. Similar results might be expected from a marine version of the program. Biscayne Bay National Park currently offers a Fisheries Awareness class that was designed, in part, for individuals caught committing fishing violations as a possible way to mitigate fines levied by law enforcement (<http://www.nps.gov/bisc/planyourvisit/fisheries-awareness-class.htm>).

Goals/ Objectives to be Achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- FL Priorities Goal D1 Obj. 5.
- FDEP CRCP Coral Reef Ecosystem Conservation Goal F.
- SEFCRI LAS FDOU Issue 1 Goal.



N-7 Public Comment Report:

Enforcement

Offer an online exam to receive a discount on fishing licenses (create an incentive-based program).

Quick Stats:

- Total number of comments on this RMA = 15
- This RMA was called out by Miami Waterkeeper via a letter of support.
- This RMA was called out by the Coastal Conservation Association of Florida via a letter of opposition. It was also called out by concerned citizens (Mike Kennedy and Charles Berkley) via respective personal letters of opposition.

○ CWG Response:

N-7	CCA	Reviewed and addressed, FWC will need to support. Thank you for your comment.
N-7	Personal Letter (MK)	Thank you for your comment.
N-7	Charles Berkley	Thank you for your comment.

- CWG small group recommendation – Changed one small section in 2 pager, otherwise all good. However, the small group requested additional development of this RMA as it moves forward.
- Additional comments from CWG small group:
 - Take out that it is required for persons under age 16, since they are not required to have a license anyways. Not the intent.
 - Was there a discussion about shoreline vs saltwater fishing permits? Also incorporate with boating licenses potentially. And be sure to include out-of-state fishing licenses.

Long Responses:

1. “What do you support, or how could this RMA be changed to an action you could support?”:

Category	Comment	Ref #	CWG response
Support	Good idea.	1222	Thank you for your comment.
Support	Great Idea! There are too many uneducated boaters out there. This is a really good incentive, it should be a savings of at least 50% since the licenses are relatively inexpensive as it is. The program needs to make it so 9 of 10 people will want to save money and learn a little. Great idea though!!	1138	Thank you for your comment.
Support	I think it’s important to educate the public about the laws/protection/safe practices etc. before allowing them to harvest/collect fish.	1053	Thank you for your comment.
Support	Education and enforcement are the needed keys to preserving the reefs of southeastern Florida areas.	814	Thank you for your comment.
Support	all for education	245	Thank you for your comment.
Support	Taking an online exam can help fisherman and others learn about coral reef protection.	1485	Thank you for your comment.
Oppose	This sounds good, BUT SERIOUSLY misses the point. License fees provide support for our resources and this would be counterproductive. Additionally the age level requirement is meaningless. Children under 16 do not need a saltwater license.	1273	Thank you for your comment. Valid point, you don’t need a fishing license under age 16.
Oppose	N-7 proposes to offer a reduction in licensure fees for those that take an online class regarding reef protection and boating;	1248	Reviewed and

	it would be optional for those over 16 years of age and mandatory for those under 16 years old. The establishment of an optional online education course for boaters is acceptable as long as it did not affect the funding of the FWC. CCA is concerned that if a reduction of licensure fees were imposed, the funds earmarked to protect and manage our fisheries would be reduced and would negatively impact the very resources the RMA was intended to help. Further. The age criteria of this RMA ignores the fact that children under 16 are not required to purchase a saltwater fishing license.		addressed, thank you for your comment.
Oppose	This needs more detail. this is extremely vague. What is the cost for this "exam". Is it for out of state residents? Out of state residents that were born in Florida (it should be). Need much more detail.	927	Reviewed, thank you for your comment.
Oppose	This is the stupidest thing I've ever heard. How many people under the age of 16 are fishing on the reefs? So, the majority of the people who buy licenses and who fish off the coast are not going to be forced to demonstrate that they have knowledge of the rules? This recommendation needs to be eliminated. It would cost too much money to implement and would receive no benefit.	1516	Reviewed, thank you for your comment.

2. "Other comments or input":

Category	Comment	Ref #	CWG response
Support	You guys are doing an amazing job!! Keep up the good work	1318	Thank you for your comment.
Other	not just exam - training/education component too	215	Thank you for your comment.
Other	change to education! What information would you want to impart by requiring a text? Check with gulf side about using BP money for an add-on to the angler reef fish survey	299	Thank you for your comment.

Title:

N-25: Strengthen penalties and fines for non-compliance of reef-related regulations to discourage illegal activities, and to express that violations will not be tolerated.

Background:

- This recommended management action relates to all counties in the Southeast Florida Coral Reef Initiative (SEFCRI) region and all reef habitat.
- This recommended management action is being put forth to reduce violations and increase compliance with existing regulations that protect coral reefs.
- Currently, officers have the options of issuing a warning or a misdemeanor ticket. In many ways these are 2 extremes: A warning allows many violators to essentially ‘get away with it’. With a misdemeanor ticket, officers are required to fill out paperwork and come off the water to submit evidence (even if it is one fish that is ¼ inch too short). In some cases, this is an inefficient use of the officer’s time. For the ticketed individual, a misdemeanor ticket amounts to a \$311 court cost. In some cases, this ‘fine’ is already too high for the crime committed. There is a need to have a penalty that falls between the inconsequence of a warning and the severity of a misdemeanor.

Objective:

- The intent of this action is **not necessarily to increase fines**, but rather that additional penalties should be added to the suite of options available to enforcement officers for enforcing regulations. In many cases, a misdemeanor ticket is too harsh of a penalty for certain violations, while a warning allows many violators to get away with their violation. This recommended management action proposes that enforcement officers be allowed to pursue civil penalties (e.g., a \$125 or \$150 ticket) as an additional option. This would improve enforcement by allowing officers to issue penalties that more appropriately fit the crime (e.g., a misdemeanor in many cases may be too harsh, while the only other alternative, a ‘warning,’ results in no repercussions for the violator). The ability to issue a \$150 ticket for a civil infraction might be more of a deterrent against future violations.
- This recommended management action should also include an educational component as a majority of people don’t know reef-related regulations. One idea for fishing regulations is to add information about the penalty for possession of a short fish in the fishing guide. Knowing the penalties ahead of time might be a big deterrent against violations. You can increase fines, but if people do not know what they are it will not be a deterrent. Education should target groups that do the most damage: repeat offenders, and potentially groups where cultural differences result in different ethics and fishing practices.

Intended Benefits and/or Potential Adverse Effects:

- Benefits of implementation of this recommended management action would include an increase in funds collected from fines and penalties, which will create a stronger deterrent to violators and increase revenue from violations.
- Some anticipated negative impacts associated with this recommended management action include: (1) violators less willing to report accidental impacts for fear of paying higher penalties, (2) individuals who aren’t aware of regulations will face heavier fines, and (3) a reduction in the success of a conviction because judge sees the fine as extreme.
- The duration of the benefits of this recommended management action is long term.

- If this recommended management action is not implemented, the increased funds collected through the heavier fines could lead to less support for agencies, as residents and businesses see them as "more government".

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission.
- The key stakeholders for this recommended management action would be the coastal construction and marine industries, recreational boaters, diving stakeholders and potentially Florida Department of Transportation may show opposition to increased penalties.
- This recommended management action will require a legislative change, since legislative action is required to amend the current penalty schedule.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting requirements for this recommended management action.
- There are no new enforcement requirements for this recommended management action.
- A means of demonstrating success of this recommended management action is by the reduction over time of impacts as people/companies become aware of the costs of impacts.

Cost:

- The estimated direct cost of implementing this recommended management action is \$0 - \$50,000 and would also require the preparation of educational materials, website updates, and training, etc.
- No potential funding sources are known at this time.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is 2 - 5 years.

Miscellaneous Info:

- This recommended management action is linked to other recommended management actions with regards to an increase in law enforcement response to assess fines at time of violation (non-mooring buoy tickets, for example).
- An uncertainty associated with this recommended management action includes how penalties would be assessed for different types of violations and how fines would be calculated for an increase needs to be determined.
- Supporting and relevant data include a program by Biscayne Bay National Park, which currently offers a Fisheries Awareness class that was designed, in part, for individuals caught committing fishing violations as a possible way to mitigate fines levied by law enforcement (<http://www.nps.gov/bisc/planyourvisit/fisheries-awareness-class.htm>).
- Currently, there are fines applicable for impacts and damages to coral reefs, mangroves and seagrasses.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- FL Priorities Goal C1 obj. 1 / FL Priorities Goal D2 / FL Priorities Goal D4.
- FDEP CRCP Coral Reef Ecosystem Conservation Goal C / FDEP CRCP Coral Reef Ecosystem Conservation Goal F / FDEP CRCP Coral Reef Ecosystem Conservation Goal G.
- SEFCRI LAS FDOU Issue 3 Goal.
- SEFCRI LAS MICCI Issue 1 Goal / SEFCRI LAS MICCI Issue 4 Goal.

N-25 Public Comment Report:

Enforcement



Strengthen penalties and fines for non-compliance of reef-related regulations to discourage illegal activities, and to express that violations will not be tolerated.

Quick Stats:

- Total number of comments on this RMA = 24
- This RMA was called out by Miami Waterkeeper and by Marine Industries Association of Palm Beach County via respective letters of support.
- This RMA was also called out by a concerned citizen (Charles Berkley) via a personal letter of opposition.
 - **CWG Response:**

N-25	MIA PBC	Thank you for your comment.
N-25	Charles Berkley	Thank you for your comment.

- **CWG small group recommendation – No changes to the RMA were needed after review the comments. However, the small group requested additional clarification and development for this RMA.**

Long Responses:

3. “What do you support, or how could this RMA be changed to an action you could support?”:

Category	Comment	Ref #	CWG response
Support	Include stiffer penalties for seagrass scarring.	1481	Thank you for your comment.

Support	Make it so that it hurts too much to get a violation so people will exercise more caution around the reefs.	1479	Thank you for your comment.
Support	CCA supports RMA N-25 as an effective tool to discourage illegal activities on the reef.	1249	Thank you for your comment.
Support	I like the idea of giving our law enforcement officers more flexibility in the way they do their job. My only caveat is that law enforcement should have input into any new regulations, tickets, fines, etc.	1224	Thank you for your comment.
Support	Increasing the options available to FWC & FDEP enforcement is a great idea! Knowledge is power and sometimes enforcing that someone take a boater or reef protection class online if they are caught anchoring in a sensitive area, would be a better impact and outcome than a monetary fine.	1139	Thank you for your comment.
Support	PLEASE!!! Also, enforcement!! You can make so much money for conservation by just checking boats. If cops can have quotas for speeding tickets...	1135	Thank you for your comment.
Support	There is too much illegal COMMERCIAL harvest of resources. Additional useless loss due to by catch is disgustingly destructive. Specific efforts to provide fuller inspection by commercial operators needs to be enhanced.	885	Thank you for your comment.
Support	I support the idea - subject to what violations are added	219	Thank you for your comment.
Support	good idea but need to determine when wastewater would be redirected if the outfalls are closed. Don't want to improve pollution in one area while wakening it in another	287	Thank you for your comment.
Support	good idea to tailor fine/penalty to the violation committed	295	Thank you for your comment.
Support	stiffer penalties for boaters who violate rules	301	Thank you for your comment.
Support	I would agree with adding penalties including an education component for violators.	1517	Thank you for your comment.
Oppose	Strictly enforce the regulations on the books now.	928	Thank you for your comment.
Oppose	The penalties are strong enough	761	Thank you for your comment.

4. "Other comments or input":

Category	Comment	Ref #	CWG response
Support	Have boating rental companies and clubs (fractional ownership) educate users on sensitive areas (actual coordinates and location on map). Include info on penalties in this briefing.	1481	Thank you for your comment.
Support	I have been in these boats. I have seen how much is wasted or hidden from inspection on casual routine basis. It's all about a buck. THIS is where you can interject the most good from careless destruction of the marine environment and the living resources within it.	885	Thank you for your comment.
Support	doesn't matter if you change the penalties if there is nobody to enforce them. Not necessarily a bad idea to raise fines, money's a great deterrent to most of the population, again, the fine should be appropriate based on the violation though.	295	Thank you for your comment.
Support	implement commuting certification with reference # to report violations to authorities. 1st offense warning, 2nd offence fine etc.	301	Thank you for your comment.

Title:

N-27: Establish co-management agreements with capable and responsible local communities and non-governmental organizations to address staff capacity gaps at Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection.

Background:

- This recommended management action relates to the Southeast Florida Coral Reef Initiative (SEFCRI) region and habitats, including coral reefs, seagrass, watersheds, beaches, and hardbottom.
- This recommended management action is being put forth due to the current lack of adequate agency staffing to address enforcement issues.

Objective:

- The intended outcome of this action is to have increased community involvement in marine resource management; increased enforcement capacity and effectiveness would result and would lead to increased compliance and consumer confidence.

Intended Benefits and/or Potential Adverse Effects:

- Benefits of implementation of this recommended management action include increased community involvement in marine resource management, with more eyes and ears to monitor and report violations.
- Some anticipated negative impacts associated with this recommended management action include a potential conflict with specific stakeholder groups and non-agency groups not having a true enforcement authority.
- The duration of the benefits of this recommended management action is reoccurring.
- If this recommended management action is not implemented, the inability to effectively enforce regulations to conserve reef systems or introduce new regulations will be at risk.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be Florida Fish and Wildlife Conservation Commission to coordinate programs to train and engage local governments and communities in a community watch-type program.
- Other potential agencies or organizations who could be involved include city and county governments, as well as local non-governmental organization partners.
- Key stakeholders for this recommended management action were not identified.
- There are no legislative considerations to take into account.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting requirements for this recommended management action.
- Enforcement requirements exist for this recommended management action.
- Measurable Outcomes/Success Criteria/Milestones were not referenced in the recommended management action.

Cost:

- The estimated direct cost of implementing this recommended management action was not identified.
- No potential funding sources are known at this time.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is 2 - 3 years.

Miscellaneous Info:

- This recommended management action is not linked to any other action.
- Uncertainties or gaps with this recommended management action were not identified.
- Supporting and relevant data were not identified.
- Currently there are no activities underway.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- SEFCRI LAS FDOU Issue 1 Goal Obj. 3.

N-27 Public Comment Report:

Enforcement



Establish co-management agreements with capable and responsible local communities and non-governmental organizations to address staff capacity gaps at Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection.

Quick Stats:

- Total number of comments on this RMA = 10
- This RMA was called out by Miami Waterkeeper via a letter of support. It was also called out by a concerned citizen (Mike Kennedy) via a personal letter of support.
- This RMA was called out by a concerned citizen (Charles Berkley) via a personal letter of opposition.
 - **CWG Response:**

N-27	Mike Kennedy	Thanks for taking the time to comment, we appreciate your support.
N-27	Charles Berkley	We appreciate your comments and will further investigate this RMA

- **CWG small group recommendation – No changes to the RMA needed after reviewing the comments. However, the small group requests additional clarification and development within the RMA.**
- **Additional CWG small group comments:**
 - **CWG has concerns with this RMA (liability, too much oversight, is this already done?), think other RMA's might be more effective, would either like to revisit (need more clarification on intent and feasibility).**

Long Responses:

5. “What do you support, or how could this RMA be changed to an action you could support?”:

Category	Comment	Ref #	CWG response
Support	As long as FWCC sees this as a need for their agency I can support it. If FWCC is not interested than this RMA should not be passed.	1225	Yes, FWC would need to support this for it to move forward
Support	There are definitely lapses in enforcement in South Florida. There are so many boaters that it is probably impossible to effectively enforce this population and on the water activities. Working with the community to set up a program of reporting or allowing groups (local gov't) to work under FWC to support enforcement of rules sounds like a good idea. Boater safety education should be linked with education to protect Florida marine resources. When giving authority to others it must be managed well, and this is a tough one.	1140	This comment references local government (see N-35) but this RMA deals with non-government

			group partnerships, but thanks for the support
Support	and coordination with NOAA	213	This comment references federal government but this RMA deals with non-government group partnerships, but thanks for the support
Support	It seems that enforcement has been lacking since there have not been enough officers to go after the violations. Seems like a win-win recommendation.	1487	Thanks for the support, also see S-99 regarding enforcement capacity
Other	needs to be investigated further. Not much information provided. Good base of an idea though. No sense in rules and regulations if there is nobody to enforce them	292	See S-99 regarding enforcement capacity
Other	I don't think the answer is to have community members trying to enforce the law. We need more law enforcement officers.	1518	See S-99 regarding enforcement capacity

6. "Other comments or input": None

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Title:

N-35: Develop and implement a cross-training program for local marine units and beach patrol officers to improve recognition of conservation regulations, increase law enforcement presence on the water and provide additional enforcement for peak periods to build relationships between agencies and decrease marine-related violations.

Background:

- This recommended management action relates to all waterways (inshore & offshore) in all counties statewide.
- This recommended management action is being put forth since there has been a lack of funding for additional Florida Fish and Wildlife Conservation Commission (FWC) law enforcement. Officer training is specialized and unique to the marine division of law enforcement. A cross-training program for marine patrol and/or hunting could enable local law enforcement to better assist and increase enforcement during high volume seasons and events. This recommended management action would result in better utilization of existing law enforcement personnel.

Objective:

- The intended outcome of this action is to develop a State Law Enforcement Certification program to cross train county sheriffs and municipal law enforcement agencies and engage local law enforcement to participate with FWC for additional law enforcement on our state waters. The outcome of implementing this recommended management action would lead to less damage to the habitat, and law enforcement would be better able to enforce/cite/fine/prosecute environmental crimes. This recommended management action is intended to increase awareness among law enforcement entities so they will know what to do if they come across a conservation violation. This is not a joint enforcement agreement but rather a regional education program for enforcement officers that would establish a protocol for responding to natural resource violations. With so much information and variety of regulations associated with marine resources, this recommended management action could potentially focus on big-ticket items (e.g., snook season) versus ALL marine resource regulations.

Intended Benefits and/or Potential Adverse Effects:

- Some potential benefits to implementation of this recommended management action are better enforcement of the current regulations and higher success rates in prosecuting violations. This could potentially develop a policy of building prosecutorial cases.
- There are no anticipated negative environmental impacts, nor are there any threats of adverse environmental, social, or economic effects that this action might have.
- Some possible issues that may arise with implementation of this recommended

management action would include allocating funds and personnel to develop the program. Local government would need to be willing to adopt the program.

- Threats/Risks to not implementing the recommended management action were not identified.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be FWC.
- Other potential agencies or organizations who could be involved include county units in the cross-training and local law enforcement agencies with marine units.
- The key stakeholders for this recommended management action were not identified in the recommended management action.
- Stakeholders need to raise this as a priority issue and bring it to the attention of FWC.
- The legislative considerations to take into account include identifying appropriate positions, funding for such positions, and money to implement and maintain such activities.

Permitting/ Enforcement Requirements of RMA:

- Permitting requirements were not referenced in the recommended management action.
- Measurable Outcomes/Success Criteria/Milestones were not referenced in the recommended management action.

Cost:

- The estimated direct cost of implementing this recommended management action was not referenced in the recommended management action.
- Potential funding for this recommended management action could come from collection of associated fines from prosecutorial cases.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is 12-24 months to develop a program, while certification would be ongoing. This recommended management action would be a recurring activity, and trainings may occur at different intervals or as often as needed to stay current.

Miscellaneous Info:

- This recommended management action could be linked to N-35, S-81, N-27, N-43 and S-96.
- Uncertainties or gaps were not referenced in the recommended management action.
- Supporting and relevant data were not referenced in the recommended management action.
- Currently there is no cross-training happening, with the exception during lobster mini-

season, and very limited information is exchanged overall to the United States Coast Guard. No other cross training is currently happening.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- Provide increased enforcement for violations along the Southeast Florida Reef Tract.

N-35 Public Comment Report:

Enforcement



Develop and implement a cross-training program for local marine units and beach patrol officers to improve recognition of conservation regulations, increase law enforcement presence on the water and provide additional enforcement for peak periods to build relationships between agencies and decrease marine-related violations.

Quick Stats:

- Total number of comments on this RMA = 7
- This RMA was called out by Miami Waterkeeper via a letter of support. This RMA was also called out by Marine Industries Association of Palm Beach County via a letter of support.
- This RMA was called out by a concerned citizen (Charles Berkley) via a personal letter of opposition.

○ **CWG Response:**

N-35	MIA PBC	Thanks for taking the time to comment, we appreciate your support.
N-35	Charles Berkley	We appreciate your comments and will further investigate this RMA.

- **CWG small group recommendation – Good with this RMA moving forward as long as there is FWC support. No changes to the RMA are needed after reviewing the comments.**

Long Responses:

7. "What do you support, or how could this RMA be changed to an action you could support?":

Category	Comment	Ref #	CWG response
Support	CCA supports RMA N-35 and the cross-training of agencies.	1250	Thank you. This RMA is supported, no changes
Support	Excellent plan!	1488	Thank you. This RMA is supported, no changes

8. "Other comments or input":

Category	Comment	Ref #	CWG response

Title:

N-36: Develop a stakeholder initiative to raise the cost of recreational lobster stamps statewide and dedicate the additional funds for improved species enforcement in the southeast Florida region (including Monroe County).

Background:

- This recommended management action relates to all counties statewide.
- This recommended management action is being put forth to help fund more positions within the Florida Fish and Wildlife Conservation Commission (FWC) to ensure officers' presence on the water and inland fishing areas to increase enforcement of laws.

Objective:

- The intended outcome of this action is to increase support for effective enforcement of rules and regulations.

Intended Benefits and/or Potential Adverse Effects:

- The potential social/economic benefits or positive impacts this recommended management action might have is money from increasing the lobster stamp will be applied to increase the enforcement of the FWC laws relevant to the coral reef ecosystem, which could also possibly increase jobs within this agency.
- There are no anticipated negative environmental impacts, nor are there any threats of adverse environmental, social, or economic effects that this action might have.
- Some possible issues that may arise with implementation of this recommended management action could include commercial and recreational fishing communities would probably not like the increase in cost.
- A potential risk to not implementing this recommended management action is loss of FWC law enforcement officers and not being able to recruit resource minded officers.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be FWC.
- Other potential agencies or organizations who could be involved could include Friends of Our Florida Reefs.
- The key stakeholders for this recommended management action would be the fishing and diving communities.
- The legislative considerations to take into account include were not referenced in the recommended management action, but stakeholders would need to lobby the legislature for a legislative change.

Permitting/ Enforcement Requirements of RMA:

- Permitting requirements for this recommended management action were not referenced in the recommended management action.
- Measurable Outcomes/Success Criteria/Milestones will be achieved by measuring the increased number of FWC officers and the increased retention rate of FWC officers.

Cost:

- The estimated direct cost of implementing this recommended management action was not referenced in the recommended management action. However, the cost would be recurring since every 5 years there would be a re-evaluation of the costs for the lobster stamp/permit.
- No potential funding sources are known at this time.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is 0 - 2 years.

Miscellaneous Info:

- This recommended management action is linked to N-43.
- Uncertainties or gaps with this recommended management action were not referenced.
- Supporting and relevant data were not referenced in this recommended management action.
- The current status of this recommended management action is unknown.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- FL Priorities Goal A1 Obj. 4.

N-36 Public Comment Report:

Enforcement

Develop a stakeholder initiative to raise the cost of recreational lobster stamps statewide and dedicate the additional funds for improved species enforcement in the southeast Florida region (including Monroe County).

Quick Stats:

- Total number of comments on this RMA = 11
- This RMA was called out by Miami Waterkeeper via a letter of support.
- This RMA was called out by Marine Industries Association of Palm Beach County via a letter of opposition and by a concerned citizen (Charles Berkley) via a personal letter of opposition.

○ CWG Response:

N-36	MIA PBC	Thank you for your comment, yes it would eventually come down to legislation for final decision.
N-36	Charles Berkley	Thank you for your comment.

- CWG small group recommendation – No changes to the RMA needed after reviewing the comments. However, the small group requests additional clarification and development within the RMA.
- Additional CWG small group comments:
 - CWG needs more clarification on current costs, proposed costs, and how the additional funds would be used specifically. See S-99 if it means to increase number of law enforcement officers. Needs more information/clarification to move forward as is.

Long Responses:

9. “What do you support, or how could this RMA be changed to an action you could support?”:

Category	Comment	Ref #	CWG response
Support	The lobster stamp for residents is so inexpensive as it is- doubling or even tripling it would still be a small price with large benefits.	1477	Thank you for your comment, we will take it into consideration .

Support	by doing more meeting and create more awareness about it.	302	Thank you for your comment, we will take it into consideration .
Support	Any funds raised can help with coral reef protection.	1489	Thank you for your comment.
Oppose	I lived in Florida for 27 years. I currently live out of state. I have fishing license in my current state. Keeping up with your licenses is expensive. I live in Maryland, they have a whole boat license. Florida should offer a whole boat license. It allows fishing and crabbing (could be lobster in Florida) for anyone on a licensed boat.	929	Thank you for your comment.
Oppose	Bad idea forget it.	675	Thank you for your comment.
Oppose	Enjoying nature and what it provides is the right of everyone tax paying citizen of Florida, not just the rich. We already pay the government enough and I spend over a \$100 for licenses throughout the year, not including limited draw permits which are significantly more. Stop bleeding the average working man dry to fund initiatives that we already pay for with taxes. I free dive the keys every year and get checked multiple times everyday, how much more do you want?	616	Thank you for your comment.
Oppose	costs are already high enough/ allow citizens of all income levels access	241	Thank you for your comment.
Other	My support would depend on the amount of increase in the cost. If it is a reasonable amount (say less than \$10 per year) then I can support it.	1226	Thank you for your comment.

10. "Other comments or input":

Category	Comment	Ref #	CWG response

Title:

N-44: Educate relevant judges and prosecuting attorneys on the importance of imposing penalties for environmental violations that are severe enough to prevent future violations.

Background:

- This recommended management action relates statewide, including all state, federal, and maritime courts in all Southeast Florida Coral Reef Initiative (SEFCRI) counties and beyond. Relevant habitats include coral reef ecosystem and associated watersheds. This would not be limited to marine violations, but would also include coastal construction and pollution (Fishing Diving and Other Uses, Maritime Industry and Coastal Construction Impacts, and Land-Based Sources of Pollution) violations.
- This recommended management action is being put forth to reduce 'slap on the wrist' penalties with minimal fines, increase follow-through on enforcement actions, and increased application of penalties that will effectively serve as a deterrent. Lack of awareness and appreciation for the severity of these violations in terms as how they impact the resource, follow-through to build capacity throughout entire law enforcement chain because penalties are currently being inconsistently applied, and restoring user faith in the system would result as well from this action. Potential offenders would think twice knowing the increased legal certainty that, if apprehended, there will be consequences.

Objective:

- Ultimately, benefits include more voluntary compliance due to the increased probability that there will be legal consequences for violators. In the meantime, more successful enforcement actions and more enthusiasm for taking enforcement actions because they matter may result. Impacts should last as long as the judicial educational effort continues. The benefits will be increased compliance with environmental regulations which protect reef resources.

Intended Benefits and/or Potential Adverse Effects:

- Benefits of implementation of this recommended management action would include an increased appreciation and awareness of coral resources within the judicial community, increased efficiency and effectiveness of enforcement effort, and increased compliance. There would be a greater impact on the existing enforcement resource, greater job satisfaction from officers knowing they are making a difference, and increased enforcement would result because officers would know there will be consequences handed out to offenders.
- Some possible issues that may arise with implementation of this recommended management action could include the costs associated with this change and there may be less leeway to deal with first offenders or extenuating circumstances.
- The duration of the benefits of this recommended management action is ongoing.
- The risk of not enacting this recommended management action is continued violations due to a low certainty of getting "caught" and an even lower chance of there being any consequences imposed by a judge. Failure to increase compliance can undermine protection and restoration efforts and discourage initiative stakeholders is a risk as well.

Agencies/ Organizations:

- The lead agencies for implementation of this recommended management action would be the Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, and the State Attorney's Office.
- Other potential agencies or organizations who could be involved include the state legislature for any statute change and local law enforcement agencies.
- The key stakeholders for this recommended management action would be recreational and commercial fishers who comply with the law and who would like to see others penalized for breaking the law. Support could be expected from stakeholders concerned about reef conservation.
- The legislative considerations to take into account include legislative action required to appropriate funding for both positions.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting requirements for this recommended management action.
- There are no enforcement requirements for this recommended management action, with the exception that there could be additional enforcement indirectly since officers would realize that citing a violator will have a consequence.
- A means of demonstrating success of this recommended management action is the reduced number of reported violations and increased success in prosecution. These would eventually result in the reduction in number and severity of violations.

Cost:

- The estimated direct cost of implementing this recommended management action is \$0 - \$50,000.
- One potential funding source could be vessel registration fees.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is 2 - 5 years.

Miscellaneous Info:

- This recommended management action is linked to N-25, 26, 43, and 46.
- The following recommended actions are relatively closely linked and should be combined: N-27 (Establish co-management agreements to address staff capacity gaps) is linked to N-43 (Increase funding to recruit and retain for on-the-water enforcement officers/compliance and personnel) and S-96 (Coordinate marine law enforcement across agencies).
- Uncertainties or gaps with this recommended management action were not cited.
- Supporting and relevant data were not indicated.
- This proposed action aims to improve existing conditions, but is not currently being done.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- FL Priorities Goal D3.
- FDEP CRCP Coral Reef Ecosystem Conservation Goal F.
- SEFCRI LAS FDOU Issue 1 Goal, Obj. 1 / SEFCRI LAS FDOU Issue 1 Goal, Obj. 4.



N-44 Public Comment Report:

Enforcement

Educate relevant judges and prosecuting attorneys on the importance of imposing penalties for environmental violations that are severe enough to prevent future violations.

Quick Stats:

- Total number of comments on this RMA = 12
- This RMA was called out by Miami Waterkeeper via a letter of support. It was also called out by a concerned citizen (Mike Kennedy) via a personal letter of support.
- It was also called out by a concerned citizen (Charles Berkley) via a personal letter of support.

○ CWG Response:

N-44	Mike Kennedy	Thank you for your comment.
N-44	Charles Berkley	Thank you for your comment, this just references educating judges, it does not ask for mandatory minimums.

- CWG small group recommendation – Good to move forward as is. No changes to the RMA are needed after reviewing the comments.

Long Responses:

11. “What do you support, or how could this RMA be changed to an action you could support?”:

Category	Comment	Ref #	CWG response
Support	This is so important because judges hear such a wide range of cases daily and may not know it care that taking 300 lobsters out of season is a big deal especially when they've just listened	1478	Thank you for your comment.

	to a domestic abuse case. In MD there were talks of having a separate DNR court so that the appropriate weight could be applied to each fisheries violation		
Support	Good idea. I am amazed at how lightly violators (especially repeat violators) get off.	1229	Thank you for your comment.
Support	most programs	38	Thank you for your comment.
Support	3 strikes and you're out should be the policy	240	Thank you for your comment.
Support	penalties are not effective if judiciary does not understand the consequences of the violation and therefore do not penalize perpetrators accordingly	294	Thank you for your comment.
Support	Absolutely! It is critical for folks involved in the legal system to understand coral reef conservation.	1490	Thank you for your comment.
Oppose	Law enforcers (Local police) have enough to do without being involved with environmental issues and all its nuances. Maybe State police could augment FWC officers on enforcements.	738	Thank you for your comment.

12. "Other comments or input":

Category	Comment	Ref #	CWG response

Title:

S-92: Protect reefs from anchor damage during beach and coastal events (i.e. festivals, air shows, etc.).

Background:

- This recommended management action relates to all areas of the Southeast Florida Coral Reef Initiative (SEFCRI) region, wherever such vessel-drawing activities occur and in all coral and associated ecosystems.
- This recommended management action is being put forth because manpower and economic resources need to be allocated and funded by the respective sponsors and regulatory agencies. Permitted and no-anchor zones will need to be established and legislated by the respective agencies. There should be no anchoring on reefs period, however, events such as the 4th of July, Air and Sea Show, etc. have a lot of issues with people anchoring on the reef. There is nothing that can be done for big holidays like the 4th of July because it happens up and down the coast and is too large of an area to effectively manage.

Objective:

- The intended result is to reduce anchor and human impacts to reefs associated with activities that draw large numbers of vessels to reefs and nearshore areas. This action would protect large areas of coral and prevent damage caused by anchors and anchor chains.

Intended Benefits and/or Potential Adverse Effects:

- Benefits of implementation of this recommended management action include a reduction in the major impacts to corals and associated ecosystems and possible elimination of said damages by prohibiting vessels from anchoring and enforcing the rules. Littering on the reef areas will also be reduced when no vessels are allowed to anchor over the reef.
- Some possible issues that may arise with implementation of this recommended management action could include the establishment of no-anchor zones which may be difficult to establish without both sponsor and enforcement agencies supporting the action. Placement of temporary buoys and associated costs will have to be agreed upon and funded by the corresponding agencies.
- This activity would be recurring for the agencies involved in establishing, maintaining, and enforcing designated “no-anchor” zones during these events.
- Threats/Risks to not implementing the recommended management action were not referenced.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action was not identified.
- Other potential agencies or organizations who could be involved were not identified.
- The key stakeholders for this recommended management action were not identified.
- Legislative considerations to take into account were not identified.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting requirements for this recommended management action.
- There are no enforcement requirements for this recommended management action. However, the responsibility for this action should fall on the event organizer. A marine plan or coral reef protection plan could require a permit and event organizers should be held accountable.
- Measurable Outcomes/Success Criteria/Milestones were not referenced in this recommended management action.

Cost:

- The estimated direct cost of implementing this recommended management action was not identified.
- There are no potential funding sources known at this time.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action was not referenced.

Miscellaneous Info:

- This recommended management action is not linked to any other proposed action.
- Uncertainties or gaps with this recommended management action were not referenced.
- Supporting and relevant data were not identified for the recommended management action.
- At an event several years ago, a 'Coral Reef Protection Zone' was created where buoys were temporarily deployed by a contractor. This was not as effective as planned as no one could see the buoys (they were the small red floats used as bumpers). Some people tied off to the buoys, but there was not enough enforcement so people were still entering the no-anchor zone and encroaching on the coral reef. There was an after action report from this event with recommendations to make this strategy more effective in the future (e.g., have taller mooring buoys). A similar strategy would need to be written into United States Coast Guard permits. There is some give and take required to set up these zones. You would need to provide data on reef location, etc. to set up zone boundaries. This also requires hiring contractors to set up the buoys to mark the zones. We are unsure what this would cost.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- Goals and Objectives were not identified within this recommended management action.

S-92 Public Comment Report: Enforcement



Protect reefs from anchor damage during beach and coastal events (i.e. festivals, air shows, etc.).

Quick Stats:

- Total number of comments on this RMA = 11
- This RMA was called out by Miami Waterkeeper via a letter of support.
- This RMA was also called out by a concerned citizen (Charles Berkley) via a personal letter of opposition.
 - **CWG Response:**

S-92	Charles Berkley	Thank you for your comment.
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- **CWG small group recommendation – Good to continue as is. No changes to the RMA are needed after reviewing the comments.**

Long Responses:

13. “What do you support, or how could this RMA be changed to an action you could support?”:

Category	Comment	Ref #	CWG response
Support	This is a very important RMA since we have so many more events on the beach. No one is held accountable for the damage to the reef.	1410	Thank you for your comment.
Support	ensure protection include north shore park area	293	Thank you for your comment.
Support	mandatory licenses for boaters to help avoid reef damage	324	Thank you for your comment, however local knowledge

			would be better than a license.
Support	This is a no-brainer!! I know that having festivals is great for the economy, but we need to protect the reef!!	1491	Thank you for your comment.
Oppose	It is already illegal to anchor on coral. We need more enforcement of current law and not new regulations that also will not be enforced.	1230	Thank you for your comment.
Oppose	you can't get 2 agencies to work together. Feds and State agencies don't mix. Look south to the FKNMS. 25 years and all you get is lip service. more regs and less service. FWC doesn't patrol past state waters, Feds don't have money for programs now. WHO'S GONNA PAY for all these bright ideas? As Elvis always says LITTLE LESS CONSERVATION AND A LOT MORE ACTION....	1227	Thank you for your comment.
Oppose	Anchoring should be addressed in rules for anchoring on reefs not special rules for events staged on beaches. Bad idea get rid of this action.	677	Thank you for your comment.

14. "Other comments or input":

Category	Comment	Ref #	CWG response
Support	evaluate boaters by having mandatory classes with certification which should be present on every boat relative to distance from reefs relevant to high/low risk	324	Thank you for your comment. There is already a mandatory boater safety course for people born after 1988.

Title:

S-95: Perform a comprehensive study to determine how to improve law enforcement efficiency to match assets and personnel to public needs to increase efficiency and improve employee retention.

Background:

- This recommended management action relates statewide and to all habitats.
- This recommended management action is being put forth because enforcement is not as efficient as it could be.

Objective:

- The intended outcome of this action is a more effective enforcement agency (Florida Fish and Wildlife Conservation Commission) that is efficient, well-structured and productive, and concentrates on resource protection.

Intended Benefits and/or Potential Adverse Effects:

- This recommended management action would result in more effective, more efficient, and more productive management that is both socially and economically beneficial for the protection of the Southeast Florida Coral Reef Initiative (SEFCRI) regions' fish, corals and habitats. Benefits include catching more violators, more public outreach, more job satisfaction (if people have expertise in their area), more effective patrols, more enforcement visibility, more bang for your buck, and more knowledgeable enforcement officers.
- There are no anticipated negative environmental impacts, nor are there any threats of adverse environmental, social, or economic for this proposed action.
- The duration of the benefits of this recommended management action is long lasting.
- Threats/Risks to not implementing the recommended management action were not referenced.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be independent organizations.
- Other potential agencies or organizations who could be involved were not identified.
- The key stakeholders for this recommended management action were not mentioned.
- Legislative action would be required for funding if the state were to fund the study.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting requirements for this recommended management action.
- Enforcement requirements for this recommended management action were stated that they would be required, however an explanation was not provided.
- Measurable Outcomes/Success Criteria/Milestones were not referenced in the recommended management action.

Cost:

- The estimated direct cost of implementing this recommended management action was unknown.
- There are no potential funding sources known at this time.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is estimated at a month to do an analysis and a month to implement a plan of action.

Miscellaneous Info:

- This recommended management action is linked to N-32 and S-95.
- Uncertainties or gaps with this recommended management action were not identified.
- Supporting and relevant data were not identified with this proposed action.
- Currently, there are no related activities ongoing.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- Goal A1 Obj. 4.

S-95 Public Comment Report:

Enforcement

Perform a comprehensive study to determine how to improve law enforcement efficiency to match assets and personnel to public needs to increase efficiency and improve employee retention.



Quick Stats:

- Total number of comments on this RMA = 6
- This RMA was called out by Miami Waterkeeper via a letter of support. It was also called out by a concerned citizen (Mike Kennedy) via a personal letter of support.
- This RMA was called out by a concerned citizen (Charles Berkley) via a personal letter of opposition.
 - **CWG Response:**

S-95	Personal Letter (MK)	Thanks for taking the time to comment, we appreciate your support.
S-95	Charles Berkley	Yes, FWC would need to support it for this to move forward.

- **CWG small group recommendation – Good to move forward as long as FWC support this. No changes to the RMA are needed after reviewing the comments.**

Long Responses:

15. “What do you support, or how could this RMA be changed to an action you could support?”:

Category	Comment	Ref #	CWG response
Support	Anything we can do to help law enforcement!	1492	Thanks for the support
Oppose	I am not a fan of having independent organizations telling law enforcement how to do their job best. If FWCC agrees with such a study then I would support it. Otherwise, this RMA should not be passed.	1231	Yes, FWC would need to support the study for it to move forward

16. “Other comments or input”:

Category	Comment	Ref #	CWG response

Title:

S-98: Simplify Florida Fish and Wildlife Conservation Commission rules and regulations to reduce complexity (fish sizes fork length versus overall - snapper one size, grouper one size, and pelagic) to make rules simpler and standardize catch size limits for important species with similar life histories and appearance to make it easier to enforce regulations and catch within limits.

Background:

- This recommended management action relates to all Southeast Florida Coral Reef Initiative (SEFCRI) counties, calls for changes to statewide regulations and is relevant to estuaries, reefs, associated habitats and freshwater systems.
- This recommended management action is being put forth because fisheries regulations are often complicated, given their independence from other species. With the timeline needed for implementation occurring over several decades; this proposal will reduce confusion and misunderstanding of varying size and number limits.

Objective:

- Improve user compliance with fishing regulations by simplifying regulations to standardize how to measure length measurements. Currently, some species are measured by the length obtained by pinching the caudal fin to provide a total length while other are obtained by measuring length from the snout to the minimum fork length. This modification is to require all lengths to be fork length.

Intended Benefits and/or Potential Adverse Effects:

- Benefits of implementation of this recommended management action include: (1) simplified regulations that may improve compliance and enforcement, (2) better fishery management and increased biodiversity, and (3) increased ease for the public to remember regulations and easier for officers to enforce regulations. The general public would only have to remember size limits for a few fish (groupings of fish). Currently there are nearly 50 species of fish that are regulated by size limits. Changing the regulations to simplify fork or total length (whereby a corresponding fork length could be estimated from what is currently known about total fish size estimates or vice versa) would help fisherman be more responsible in abiding by regulations.
- Some anticipated negative impacts associated with this recommended management action include: (1) simplifying regulations, such as minimum size limits to make groups of similar species the same, may interfere with rebuilding plans currently in place that are specific to the species, (2) this action has no potential to improve coral reef conservation, (3) lumping different species into classes for size limits based on similar appearance will not lead to better fishery management, and (4) this action may lead to serial overfishing of vulnerable species and reduce biodiversity.

- The duration of the benefits of this recommended management action is discrete; a review of all current rules and regulations can be done to identify what can be simplified (this is currently occurring now for some species). The adoption of these standardized regulations is a discrete action, and it will also be recurring in order to ensure adaptive management.
- Threats/Risks to not implementing the recommended management action were not referenced.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be the Florida Fish and Wildlife Conservation Commission.
- Other potential agencies or organizations who could be involved include the South Atlantic Fishery Management Council for federal waters.
- The key stakeholders for this recommended management action would be local fishing stakeholders. Boat captains say that most people have made sense out of the complicated method of measuring fish simply by using materials available in all dive and tackle shops. These individuals also agree that we should use one standard (as opposed to fork or to other parts of different fish). The example of using the lateral line, meaning measure from the mouth to the fork for all fish would be an improvement.
- Legislative considerations were not identified.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting requirements for this recommended management action.
- There are no enforcement requirements for this recommended management action.
- Measurable Outcomes/Success Criteria/Milestones were not referenced in the recommended management action.

Cost:

- The estimated direct cost of implementing this recommended management action was not identified.
- There are no potential funding sources known at this time.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is 1 year.

Miscellaneous Info:

- This recommended management action is not linked to any other action.
- Uncertainties or information gaps with this recommended management action were not identified.
- Supporting and relevant data include serial overfishing. The most vulnerable species in a grouping is most likely to be overfished.
- There are no activities currently underway.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- Goals and Objectives were not identified within this recommended management action.

S-98 Public Comment Report:

Enforcement



Simplify Florida Fish and Wildlife Conservation Commission rules and regulations to reduce complexity (fish sizes fork length versus overall - snapper one size, grouper one size, and pelagic) to make rules simpler and standardize catch size limits for important species with similar life histories and appearance to make it easier to enforce regulations and catch within limits.

Quick Stats:

- Total number of comments on this RMA = 14
- This RMA was called out by Miami Waterkeeper via a letter of support.
- This RMA was called out by a concerned citizen (Charles Berkley) via a personal letter of opposition.

○ CWG Response:

S-98	Charles Berkley	Valid point, this RMA needs to be narrowed down to determine what it is asking. Thank you, we will review.
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- CWG small group recommendation – No changes to the RMA needed after reviewing the comments. However, the small group requests additional clarification and development within the RMA.
- Additional CWG small group comments:

- Need to determine if it's just fork vs total length, or does this also include grouping sizes of snappers, groupers, etc. This gets too complex to go by species for one RMA. So we need more clarification to address the comments in order to move on. Suggest possible low priority in regards to coral health.
- Grouper and red fish cannot be easily measure to total length, this needs to be further reviewed for ease and feasibility.

Long Responses:

17. "What do you support, or how could this RMA be changed to an action you could support?":

Category	Comment	Ref #	CWG response
Support	The rules currently in place are confusing. As long as FWCC oversees the simplification process and public input is sought on any changes, then I can support this RMA.	123	Thank you for your comment.
Support	I support the need for standardization of fish length but standard length might be the best metric. This recommendation should be split since the issue of standardization of measurement is different issue than the size limit for species complex.	83	Thank you for your comment.
Support	Good Idea.	67	Thank you for your comment.
Support	it is needed - include responsible stakeholders in the process	23	Thank you for your comment, we've been trying to incorporate the public as best we can.
Support	It can be difficult to keep up with all the regulations and oftentimes the correct and current regulation for each species of fish. Keeping it simple would help with regulation.	1493	Thank you for your comment.
Oppose	To me this seems to be a non-issue. I would vote to increase enforcement and penalties, the latter of which will serve as a better education tool imo.	148	Thank you for your comment.
Oppose	It seems that this would be a huge effort for not so little reward. Time and funding would be better spent on other RMAs	147	Thank you for your comment.
Oppose	Our regulations are based on stick assessments that are focused on each fishery. To lump fish into categories, is counter-productive; look at the combined snapper limits and its affect on some species.	127	Thank you for your comment.

Oppose	CCA FL opposes S-98.	125	Thank you for your comment.
Oppose	Regulations aren't that complicated as it is currently. An attempt to change regulations will likely complicate things and would not provide any value compared to the other ideas presented. I do not support this.	115	Thank you for your comment.
Other	don't need to simplify rules if it doesn't make sense for biology- but improve communication of regs - app?	20	Thank you for your comment.

18. "Other comments or input":

Category	Comment	Ref #	CWG response

Title:

S-99: Increase number of Florida Fish and Wildlife Conservation Commission enforcement officers; funding for enforcement; recruitment and retention of on-water officers to improve enforcement for better protection of resources.

Background:

- This recommended management action relates to Miami-Dade, Broward, Palm Beach, Martin counties.
- This recommended management action is being put forth because the current salaries of law enforcement officers lead to a high turnover rate, thus leading to insufficient enforcement capacity. Currently, officers with experience and expertise leave the department for higher paying jobs. Creating a stronger, more targeted recruitment process will generate new officers that have a passion for conservation. These officers will be driven to protect fish, wildlife and nature because they appreciate and understand the importance of conservation. When you hire an officer who has no background in fish, wildlife and nature, that officer doesn't understand the harm violators do to the environment. These officers typically have shorter careers than other officers in the region. This leads to an insufficient enforcement force. This recommended management action would also address the inconsistent enforcement of the existing rules on the books, poor or nonexistent relationships between stakeholders and enforcement offices, and lack of understanding of the existing use and abuse of the resources.

Objective:

- The intended outcomes of this proposed action are the following: (1) increase the retention of officers, (2) increase resource protection, (3) increase public education and outreach about resources, (4) improve public safety, and (5) make the number of law enforcement officers proportional to number of users. The end product would be to create a better recruitment process that targets Florida Fish and Wildlife Conservation Commission (FWC) officers who have a passion for marine life and understand the importance of conserving it. Additional goals include: improving relationships with stakeholders by understanding the current use and the abuse that exists, increasing enforcement capacity by increasing the number of officers in both terrestrial and marine units, and increasing the experience and knowledge of said officers. To do so FWC must recruit and retain high quality, dedicated officers to enforce marine resource protection. Retention translates into consistency of enforcement, and increased knowledge gained from on-the-job experience.

Intended Benefits and/or Potential Adverse Effects:

- Benefits of implementation of this recommended management action include having a stronger law enforcement presence on our reefs that would create an understanding of the reefs importance. Many people don't know the laws and enforcement officers often act as educators to the public. An economic benefit would be that more people may get involved

in the enjoyment of our reefs and the resources they provide. Through the presence of enforcement officers, the public would feel safer from being hit from other boats and, through enforcement actions, officers can help preserve the resources for years to come. Increased voluntary compliance with regulations and increased stewardship and protection of resources and represents less costs to enforcement. There would be a change in behavior patterns by the public. Effective enforcement would benefit the resources, resulting in an increase in the economies that are dependent on it e.g. fishing, diving, and tourism industries. This recommended management action would also increase job opportunities with attractive benefits and help to preserve economically important marine resources and enhance sustainability and continued use. Political support for law enforcement and protection of resources could result from implementation of this recommended management action.

- There are no anticipated negative environmental impacts associated with implementation of this recommended management action.
- The duration of the benefits of this recommended management action is long term and recurring, as there would need to be increased long-term funding support for enforcement.
- Some possible issues that may arise with implementation of this recommended management action could include: an increase in funding necessary to pay for additional officers and salary increases, the challenge of implementing a cost-of-living adjustment due to an expensive location (Southeast Florida), and this proposal could take funding from other programs that need it too.
- Enforcement agencies and personnel need to be responsive to calls, reports of violations and interact with the public. There may need to be an increase in infrastructure as well which could lead to more dispatchers, phone coverage and email or web-coverage for complaints. Otherwise, all that recruitment effort is lost when the community doesn't get a response to their complaints, thereby losing confidence in the system and protection program intent.
 - Excessive, unbalanced focus on "enforcement" runs the risk of alienating the public by being too intrusive or disruptive. Enforcement must focus on violators without being too burdensome on people that comply with regulations.
 - There is a concern that, even with perfect compliance, existing regulations are insufficient to really protect coral reefs. Enforcement can be expensive and could detract resources from more effective actions.
 - Increased costs would be associated with recruitment of officers required to increase enforcement capacity.
- There is a continued risk of inadequate enforcement, degradation and consumptive depletion of natural resources, non-compliance, lack of stewardship, lack of awareness and understanding that loss of resources means lost use, all of which will certainly continue occurring if this recommended management action is not implemented.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be FWC Law Enforcement.
- Other potential agencies or organizations who could be involved include Ft Lauderdale Police Department, the United States Coast Guard, Broward Sheriff Officers, National

Marine Fisheries Services agents, the National Oceanic and Atmospheric Administration (NOAA) Coral Reef Conservation Program, Florida Department of Environmental Protection, municipalities that have water-based law enforcement (sheriff's, city police, county park patrols), and Florida Park Services (<https://www.floridastateparks.org>).

- The key stakeholders for this recommended management action would be the public participating in sports involving our reefs, the marine industries, commercial/recreational boater and fishermen, and divers. Non-governmental organizations (NGOs), environmental protection organizations or agencies will also likely support this recommended management action.
- The legislative considerations to take into account with this recommended management action would be the required change in funding allocations of the state budget.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting requirements for this recommended management action.
- Measurable outcomes could include documentation of the number of violations prevented by resource management-based volunteer programs, and staff and law enforcement officers' intervention or outreach/education efforts. NGOs or university intern/graduate programs may be able to assist with the evaluation of enforcement, researching how many cases are paid, settled, tried in courts or pending.
- Another measurable outcome could be increased recruitment and retention numbers for enforcement and compliance personnel.

Cost:

- The estimated direct cost of implementing this recommended management action is \$0 - \$50,000.
- Funding may be acquired through:
 - State legislature, as this does not appear to be something that would qualify for grant funds.
 - Existing agencies, if the cost-sharing and cross-training options are available.
 - N-34: Boater Registration Fees (boating improvement funds established/utilized);
 - N-34: Fishing Licensing Fees - if not already, should be re-directed;
 - N-36: Raise Cost of Lobster Stamp - fishing licensing fee increases directed to law enforcement;
 - N-41: Reef Impact Fees (or User fees) - set up and direct.
 - Fines from violations could be re-directed back into law enforcement programs for perpetuity, if it can be legally achieved without conflict of interest.
 - Foundation donations may be a means to redirect some fines or mitigation.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action is anywhere from 0 - 5 years. The recruitment and retention of officers is possibly 2 - 5 years. Traditionally, new law enforcement academy graduates who are familiar with the area must serve outside their locality for 1 year before then can return home to work. It may take time to find or create funding sources to increase enforcement capacity. Licensing, taxes or user-fee re-direction may require some partnering or political/legal actions.

Miscellaneous Info:

- This recommended management action has strong similarities of intent with N-29 and S-95 and therefore can be both directly and indirectly linked to them, including the funding and education options for supporting this recommended management action.
- This recommended management action is linked to N-29, N-30, and N-32.
- Directly linked to N-32, S-81, S-94, and S-95.
- Linked to S-50, S-66, S-73, S-75, S-76, S-91, N-36 (lobster stamp), N-41 (user fees), and N-123 (Finance Plan) for funding options.
- Indirectly linked to S-50, S-73, S-75, S-76, S-89, S-91, S-98, S-125, N-27, N-30, N-33, N-37, N-123 for support.
- Indirectly linked to N-141, N-22 (FWC Hotline), N-25, N-30, N-33, N-36, N-37, N-45, S-57, S-77, S-91, and S-98 for support and education.
- Some uncertainties or gaps with this recommended management action include whether or not the current funding of enforcement officers is being used to the greatest efficiency.
- Supporting and relevant data include the following:
 - Florida Keys National Marine Sanctuary (FKNMS) Sanctuary Science Report 2002 - 2003: An Ecosystem Report Card After Five Years of Marine Zoning http://floridakeys.noaa.gov/research_monitoring/2003_sci_report.html.
 - FKNMS Zone Performance Report 1999: http://floridakeys.noaa.gov/research_monitoring/zpr99.pdf.
 - See - Human Activities/Project Title: Aerial Survey for Vessel Usage and Marine Animal Occurrences in the FKNMS, 1992-1999; Researchers: David B. McClellan and James L. Tobias, National Marine Fisheries Service, Miami, FL.
 - FKNMS Socio-Economics website info: <http://floridakeys.noaa.gov/scisummaries/sociofknms.pdf>.
 - Tortugas Ecological Reserve Fisherman Earnings: <http://floridakeys.noaa.gov/scisummaries/socioter.pdf>.
 - FKNMS Existing Management website info: Law Enforcement <http://floridakeys.noaa.gov/le/welcome.html>; Penalty Schedules: <http://floridakeys.noaa.gov/le/penalties.html>; Incident Reporting: <http://floridakeys.noaa.gov/le/incidentreport.html>; Team Ocean VOL's: http://floridakeys.noaa.gov/volunteer_opportunities/teamocean.html.
 - NOAA Office of Law Enforcement (NOAA OLE), NMFS Agents: <http://www.nmfs.noaa.gov/ole/>.
 - NOAA OLE/NMFS FAQs, Report a Violation: <http://www.nmfs.noaa.gov/ole/faqs.html#regulations>.

- NOAA OLE/NMFS Careers:
http://www.oceancareers.com/2.0/display_profile.php?profile_id=174&action=display.
- Currently the only way to increase the number of officers is to request this from the legislature. FWC asks each year to increase their staff number, yet no new positions have been added within the last 8 years. FWC has actually lost around twenty or so positions over the years.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- FL Priorities Goal C4 Obj. 4 / FL Priorities Goal D3, Obj. 1/ FL Priorities Obj. 2 / FL Priorities Obj. 3 / FL Priorities Obj. 4 / FL Priorities Obj.5.

S-99 Public Comment Report:

Enforcement



Increase number of Florida Fish and Wildlife Conservation Commission enforcement officers; funding for enforcement; recruitment and retention of on-water officers to improve enforcement for better protection of resources.

Quick Stats:

- Total number of comments on this RMA = 11
- This RMA was called out by Miami Waterkeeper and by Marine Industries Association of Palm Beach County via respective letters of support. It was also called out by a concerned citizen (Mike Kennedy) via a personal letter of support.
- This RMA was called out by a concerned citizen (Charles Berkley) via a personal letter of opposition.

○ CWG Response:

S-99	Personal Letter (MK)	Thanks for taking the time to comment, we appreciate your support.
S-99	MIA PBC	Thanks for taking the time to comment, we appreciate your support.
S-99	Charles Berkley	In the end it will have to go to the legislature to move forward

- CWG small group recommendation – Would like this to continue to move forward as it, suggest it should be high priority due to comment support. No changes to the RMA needed after reviewing comments.

Long Responses:

19. "What do you support, or how could this RMA be changed to an action you could support?":

Category	Comment	Ref #	CWG response
Support	This will help the reef	1411	Thank you. This RMA is supported, no changes
Support	We need additional LEOs on the water.	1276	Thank you. This RMA is supported, no changes
Support	CCA FL strongly supports RMA S-99.	1252	Thank you. This RMA is supported, no changes
Support	enforcement is crucial and important. We do not have enough enforcement. Particularly important to add reef protection	121	Thank you. This RMA is supported, no changes
Support	I strongly support this recommendation. We need more enforcement	122	Thank you. This RMA is supported, no changes
Support	and need more divers to monitor reef damage events quickly!	208	Thank you. This RMA is supported, no changes
Support	Definitely need more officers out on the water!! Better numbers could help deter folks from breaking the law and help officers with arrests.	1494	Thank you. This RMA is supported, no changes
Other	pay them a decent wage and you can keep them	39	Thank you. This RMA is supported, no changes

20. "Other comments or input":

Category	Comment	Ref #	CWG response
Support	were woefully short of on-water enforcement. The budget for that needs multiplying also - state law enforcement people are grossly underpaid	186	Thank you. This RMA is supported, no changes

Title:

S-125: Request Florida Fish and Wildlife Conservation Commission to make a rule change in the marine life rule to better define “take” (take, touch, anchor on, or damage in any way) to improve enforcement of the Coral Reef Protection Act.

Background:

- This recommended management action relates to the Southeast Florida Coral Reef Initiative (SEFCRI) region, as well as all other areas with coral coverage.
- This recommended management action is being put forth to provide an alternative enforcement tool for the protection of coral.

Objective:

- The intended outcome of this action is to request Florida Fish and Wildlife Conservation Commission (FWC) to make a rule change to better define take. This definition would be explicit about the types of harm. It is easier to get a rule change than amend the statute.

Intended Benefits and/or Potential Adverse Effects:

- A benefit of implementation of this recommended management action could be more enforcement authority for the protection of coral.
- Some possible issues that may arise with implementation of this recommended management action could include the difficulty of enforcing the rule.
- There are no anticipated negative environmental impacts, nor are there any threats of adverse environmental, social, or economic effects associated with this proposed action.
- The duration of the benefits of this recommended management action is ongoing and permanent upon making the rule change.
- Threats/Risks to not implementing the recommended management action were not referenced.

Agencies/ Organizations:

- The lead agency for implementation of this recommended management action would be FWC.
- Other potential agencies or organizations who could be involved were not indicated.
- The key stakeholders for this recommended management action were not identified.
- There would be no legislative considerations to take into account if FWC makes changes through the rule process.

Permitting/ Enforcement Requirements of RMA:

- There are no permitting requirements for this recommended management action.
- Enforcement requirements for this recommended management action include FWC officers being required to physically view violations of the proposed rule change. This process would include the use of underwater video or photography equipment as well as multiple FWC officers to coordinate enforcement efforts (i.e. one in the water, one running the vessel).
- A measurable way to show success of this recommended management action is by counting how many violations (warnings/citations) occurred during the year.

Cost:

- The estimated direct cost of implementing this recommended management action is zero dollars.
- Potential funding may be acquired through part of the violation assessment.

Time Frame & Extent:

- The anticipated timeframe for implementation of this recommended management action was not identified.

Miscellaneous Info:

- This recommended management action is not linked to any other proposed actions.
- Uncertainties or information gaps with this recommended management action were not identified.
- Supporting and relevant data were not identified in this recommended management action.
- No current activities are underway.

Goals/ Objectives to be achieved:

Refer to the [SEFCRI Coral Reef Management Goals and Objectives Reference Guide](#)

- Goals and Objectives were not identified within this recommended management action.

S-125 Public Comment Report:



Enforcement

Request Florida Fish and Wildlife Conservation Commission to make a rule change in the marine life rule to better define “take” (take, touch, anchor on, or damage in any way) to improve enforcement of the Coral Reef Protection Act.

Quick Stats:

- Total number of comments on this RMA = 11
- This RMA was called out by Miami Waterkeeper and Marine Industries Association of Palm Beach County via respective letters of support.
- This RMA was called out by concerned citizens (Mike Kennedy and Charles Berkley) via respective personal letters of opposition.

○ CWG Response:

S-125	Personal Letter (MK)	Thank you for your comment.
S-125	MIA PBC	Thank you for your comment.
S-125	Charles Berkley	Thank you for your comment.

- CWG small group recommendation – Good to move forward as long as FWC supports. No changes to the RMA needed after reviewing the comments. However, the small group requested additional clarification and development of the RMA.
- Additional CWG small group comments:
 - CWG would like more clarification on how “take” would be redefined and incorporated into existing FWC law enforcement, need to determine if it can be coral-specific (because “take” applies to a very broad range). Would like to move forward but need additional information and review by FWC for potential incorporation.

Long Responses:

21. “What do you support, or how could this RMA be changed to an action you could support?”:

Category	Comment	Ref #	CWG response
Support	I support this action very much. Some may try to work around the FWC's current definition of "take" when it comes to marine life and the environment. Expanding on what it means could significantly help improve the protection of our coral reefs.	952	Thank you for your comment.
Support	and ESA	210	Thank you for your comment.

Support	Let's make everything very clear for the reef user.	1495	Thank you for your comment.
Oppose	Overly broad and unenforceable.	1277	Thank you for your comment.
Oppose	The proposed definition of "take" is too broad and would make almost everyone who uses the reef a violator. Think of a sinker on a fishing line touching the bottom or a divers fin accidentally touching the coral. This rule change will make well-meaning users into criminals.	1233	Thank you for your comment, that is not the intention, we will review the RMA.
Oppose	Current wording is adequate	763	Thank you for your comment.
Other	Current wording is adequate	762	Thank you for your comment.

22. "Other comments or input":

Category	Comment	Ref #	CWG response