

August 22, 2002

Dr. Roy Crabtree, Director  
FWC Saltwater Fishing Division  
620 South Meridian Street 32399-1600  
Tallahassee, Florida

Dear Roy:

The Essential Fish Habitat meeting that was scheduled by the Gulf Council in Tampa for the August 28 – 29 has been cancelled so I won't be traveling down to the Tampa Bay area as originally contemplated and will therefore miss the meeting at FMRI concerning the legislative issue of strengthening criminal penalties for unlicensed individuals who harvest commercial quantities of saltwater products and for unlicensed individuals who purchase or sell saltwater products. However, I would like to make a few comments on what has turned out to be a high priority of our association.

Illegal sale of fish must be stopped. Illegal purchase of fish must be stopped. I don't think fines for major net ban violations need to be any higher than what has been proposed by Jerry Sansom in the attached document. It looks like the fines will be higher than smoking pot or driving under the influence, which surely must be a higher priority of our government.

Better law enforcement would be the key to the net violations as it is very difficult to hide a net and commercial quantities of fish. If there is a way to remedy the controversy over how big a mesh can be in a 500 square foot net, I think the commercial violations would drop off the radar screen.

It is easy for an angler to put fish in a cooler for later sale to restaurants or friends or whomever. There are a few thousand commercial net boats to watch but there are over 900,000 boats licensed in Florida who are potential poachers. I think a hard hitting educational program letting anglers and restaurants know the current law would result in a big decrease in backdoor sales but it would not stop the hardcore who depend on this tax-free money as a way of life.

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I think much more attention should be given to checking out the trip tickets from the charter and party boat fleet. There are legitimate charter boats that keep all required records and sell their fish to a licensed buyer, but there are others who badger their customers into leaving the fish for the captain and crew or tell the customers up front that they can only have a certain amount of fish to take home. Charter boats are commercial fishing boats and their fine schedule should be the same as it is for commercial net fishermen. Their violations should be deemed a felony if the net fisherman's violation is deemed a felony.

Before the agency asks the legislature to increase fines on a handful of commercial fishermen the playing field needs to be leveled so that any person who illegally sells or buys a fish is punished under the rule of law. The definition of commercial fishing needs to include any unlicensed seller of seafood.

Sport fishermen who are over the bag limit and do not sell or intend to sell their fish need to be treated different than sport fishermen who sell their catch. An angler who sells his catch is engaged in a commercial transaction and should be treated as an unlicensed commercial fisherman. How could it be otherwise?

I must note for the record that Ted Forsgren and I agree that anglers should not be allowed to sell their catch. Only those fishermen who have requisite licenses and keep trip tickets should be allowed to sell fish on the market. SFA and CCA are in agreement on something.

The FWC should consider stopping the sale of tournament caught king mackerel because in my opinion it is already against the existing law and it is allowed by a loophole or two and should be stopped. I'm not saying stop the tournaments even though in general only the large gravid females are taken but that is another issue that will ripen in due course.

Thank you for the opportunity to comment at this early stage of your legislative program. I know there will be more opportunities and I look forward to working towards a solution of one of Florida's nasty little secrets, i.e.: the illegal sale and purchase of seafood.

Sincerely yours,

Bob Jones  
Executive Director

Cc: SFA Board of Directors