

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Policy and Steering Committee on Ways and Means

BILL: CS/SB 1742

INTRODUCER: General Government Appropriations Committee and Senator Baker

SUBJECT: Fish and Wildlife Conservation Commission

DATE: April 6, 2009 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	DeLoach	DeLoach	GA	<b>Fav/CS</b>
2.	DeLoach	Kelly	WPSC	<b>Favorable</b>
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes  
 B. AMENDMENTS.....  Technical amendments were recommended  
 Amendments were recommended  
 Significant amendments were recommended

**I. Summary:**

This bill provides for the transfer of the Invasive Plant Control Trust Fund within the Department of Environmental Protection pursuant to section 215.3206, Florida Statutes, which requires a legislative review of each of the trust funds in an agency subject to the four year review cycle. The bill transfers the Invasive Plant Control Trust Fund from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission for aquatic weed research and control as provided in s. 369.20, Florida Statutes. All powers, duties, records, personnel, property, funds, rules, issues, and contracts of the Bureau of Invasive Plant Management in the Department of Environmental Protection are transferred to the Fish and Wildlife Conservation Commission. There is no fiscal impact as a result of this bill.

This bill repeals the shoreline exemption, which authorizes Florida residents to fish from the saltwater shoreline or a structure fixed to the land without a fishing license. Those Florida residents eligible for the food stamp, temporary cash assistance, or Medicaid programs, and who have proof of identification, would retain the exemption. This bill allows Florida's anglers who fish in federal waters or who fish for anadromous species to be exempt from the federal saltwater fishing registration requirement that will go into effect in January 2010. The bill has a positive

fiscal impact to the Fish and Wildlife Conservation Commission. The commission estimates an additional \$1.7 million in revenue will be generated from the sale of fishing licenses.

This bill substantially amends the following sections of the Florida Statutes: 369.20, 369.22, 369.252, and 379.353.

## **II. Present Situation:**

### **Invasive Plant Control Trust Fund**

Section 19(f), Art. III of the State Constitution requires that trust funds be created by a three-fifths vote of the membership in each house and be in a separate bill for the sole purpose of creating that trust fund. The Constitution also requires that all newly created agency trust funds terminate after four years unless recreated.

Section 215.3208(1), F.S., provides that, in order to implement s. 19(f), Art. III of the State Constitution, a schedule for review of trust funds be included in the legislative budget instructions developed pursuant to s. 216.023, F.S. The trust funds in the Fish and Wildlife Conservation Commission are scheduled for review this year.

The Invasive Plant Control Trust Fund is currently established within the Department of Environmental Protection. Funds are transferred to the Fish and Wildlife Conservation Commission for activities relating to weed research and control.

An analysis of the trust funds under the jurisdiction of the Senate General Government Appropriations Committee resulted in the following findings. Revenues deposited in the Invasive Plant Control Trust Fund within the Department of Environmental Protection are used for aquatic weed research and control. These activities are carried out exclusively by the Fish and Wildlife Conservation Commission (commission). The department transfers funds to the commission for the execution of these activities.

In 2008, the Legislature enacted ch. 2008-150, L.O.F., to provide for the transfer of \$6.3 million to the Fish and Wildlife Conservation Commission from the Invasive Plant Control Trust Fund.

The Legislature also passed House Bill 7059, which provided for a type-two transfer of the Bureau of Invasive Plant Management to the Fish and Wildlife Conservation Commission; however, the bill was vetoed by the Governor.

### **Shoreline Exemption for Recreational Fishing Licenses**

Florida resident anglers fishing from the saltwater shoreline or from a structure fixed to the land have been exempt from purchasing a saltwater fishing license since its inception in 1989. Survey data indicates that about 71 percent of resident shoreline anglers do not possess a license. The price for a resident saltwater fishing license is \$15.50.

The Florida Fish and Wildlife Conservation Commission estimates that between 210,000 and 338,000 resident anglers would be required to buy a license if the shoreline exemption were

removed. Non-residents do not qualify for the shoreline exemption. Residents who are 65 years or older, under the age of 16, or disabled are exempt from the license requirement.

The 2006 Congressional reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) created a registry program for recreational fishermen fishing in federal waters and also those fishing for anadromous species (spawn in freshwater, live in saltwater). This program is mandated to assist in data collection with statistical surveys and evaluating the effects of proposed conservation and management measures. Congress directed the Department of Commerce to complete the registry program and implement an improved statistical survey no later than January 1, 2009, and authorized a fee to be charged not before January 1, 2011. The estimated fee ranges from \$15-\$25. The legislation allows for an exemption to federal licensing in a state with an approved licensing system.

### III. Effect of Proposed Changes:

**Section 1** transfers the Invasive Plant Control Trust Fund from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission for aquatic weed research and control as provided in s. 369.20, Florida Statutes.

**Section 2** provides for a type two transfer, pursuant to s. 20.06(2), Florida Statutes, of the Invasive Plant Control Trust Fund from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission. Section 2 provides for the transfer of all records, personnel, and property; unexpected balances of appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Bureau of Invasive Plant Management within the Department of Environmental Protection.

**Section 3** amends s. 379.353(2), F.S., to repeal the current exemption and require all Florida residents to purchase a saltwater fishing license if they fish from Florida's saltwater shoreline or from a structure fixed to the land. The bill provides an exemption for residents who are eligible for food stamps, temporary cash assistance, or Medicaid programs and have proof of identification. In addition, resident shoreline anglers are not be required to have a license if they are otherwise exempted due to being either 65 years or older, younger than 16 years of age, or disabled.

**Section 4** re-enacts s. 379.353(7), F.S., to incorporate the amendment made to s. 379.353(2), F.S.

**Section 5** provides that the bill shall take effect upon becoming law.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

This bill repeals the shoreline exemption, which allows Florida residents to fish from a saltwater shoreline or a structure fixed to the land without a fishing license. The current price for a resident saltwater fishing license is \$15.50. Residents who are 65 years or older, under the age of 16, or disabled remain exempt from this requirement. In addition, the bill exempts individuals eligible for the food stamp, temporary cash assistance, or Medicaid programs from the license requirement.

B. Private Sector Impact:

If the shoreline exemption is removed, an estimated 210,000 to 338,000 resident anglers will be required to purchase a resident saltwater fishing license. The current price for a license is \$15.50.

If the state does not repeal this exemption, Florida residents fishing from the shoreline will be required to obtain a federal license by January 2010.

C. Government Sector Impact:

**Invasive Plant Control Trust Fund**

The transfer of the Invasive Plant Control Trust Fund to the Fish and Wildlife Conservation Commission will eliminate the need for the Department of Environmental Protection to transfer funds to the commission in order to carry out aquatic weed research and control activities. There is no overall fiscal impact to the state as a result of this legislation.

**Shoreline Exemption for Recreational Fishing Licenses**

According to the results of the March 19, 2009, impact conference, the repeal of the shoreline exemption would provide an estimated \$1.7 million in revenue from the sale of licenses to the Fish and Wildlife Conservation Commission in the first year.

In addition, Florida's eligibility for federal grant dollars is also impacted. The Federal Aid in Sport Fish Restoration Program allocates funding to state fish and wildlife agencies based on the number of purchased licenses for the purpose of sport or recreation. Based on the current federal grant amount of \$7.49 per new license, approximately \$862,500 to \$1,387,500 in additional grant dollars would be available for the purpose of recreational saltwater research, management, and education. The grant program requires a 25 percent state match, which requires the Fish and Wildlife Conservation Commission to allocate \$2.50 for every new license purchased.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by General Government Appropriations Committee on April 1, 2009:**

This committee substitute:

- Transfers the Invasive Plant Control Trust Fund from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission.
- Provides for a type two transfer, pursuant to s.20.06(2), F.S., of the Invasive Plant Control Trust Fund from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission.
- Repeals the current shoreline exemption, to require Florida residents to purchase a saltwater fishing license if they fish from a structure fixed to the land or from Florida's saltwater shores.
- Provides exemptions for the fishing license requirement for residents under the age of 16 and over the age of 65, disabled, eligible for food stamps, temporary cash assistance, or Medicaid programs and have proof of identification.

The bill provides an estimated \$1.7 million in revenue from the sale of licenses to the Fish and Wildlife Conservation Commission in the Fiscal Year 2009-2010.

**B. Amendments:**

None.