

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 386

SPONSOR: Natural Resources Committee

SUBJECT: Licenses issued by the Fish and Wildlife Conservation Commission

DATE: February 21, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FR</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This bill implements some of the findings and recommendations which are contained in the Senate Natural Resources Committee interim report #2000-63, *Review of License Fees and Exemptions Authorized in Chapter 372, F.S.*

Essentially, this bill proposes to do the following:

- Repeal the provisions of s. 370.0605 and 370.0608, F.S., relating to noncommercial saltwater fishing licenses and permits and merges these provisions into ch. 372, F.S.
- Provide for an annual resident combined freshwater and saltwater fishing license of \$24.
- Provide for an annual combination license for a resident to hunt and take saltwater and freshwater fish. That license would cost \$34.
- Eliminate three under-utilized licenses that are now basically obsolete: Resident Local Fur Dealer; Resident Fur Dealer Agent; Nonresident Fur Dealer Agent.
- Eliminate the 3-day, \$5 saltwater fishing license for nonresidents to conform with the previously eliminated 3-day, \$5 freshwater fishing license for nonresidents.
- Modify the provisions relating to the disabled exemption to remove inequities that currently exist.
- Modify the age exemption requirement for a license.
- Provide that violations of snook and crawfish permits are noncriminal infractions.

- Modify the provisions relating to vessel registrations to provide that the county would retain the county portion of the certificate fee collected rather than remitting it to the Department of Revenue.
- Delete obsolete language relating to gill nets.

This bill substantially amends ss. 372.105, 372.57, 372.561, 372.574, 372.66, 372.571, 372.5712, 372.5715, 372.573, 372.661, 372.83, 328.72, 328.76, and 370.06, F.S.; creates s. 372.5701, F.S.; and repeals ss. 370.0605 and 370.0608, F.S.

II. Present Situation:

When the Florida Game and Freshwater Fish Commission was created in 1942, it was empowered to fix bag limits; fix open/closed seasons on a statewide, regional, or local basis; and regulate the manner and method of taking, transporting, stocking and otherwise using birds, game, freshwater fish, reptiles and amphibians. The Legislature reserved the right to fix license fees and penalties for violations. Revenue from hunting and fishing licenses, enforcement of regulations, and federal matching funds are deposited into the State Game Trust Fund. This is the main fund used by the Commission for funding its operations.

On July 1, 1999, as a result of a constitutional amendment approved by Florida voters in November, 1998, the Fish and Wildlife Conservation Commission was created. This Commission now has jurisdiction over those areas formerly administered by the Game and Freshwater Fish Commission, including statutory responsibilities.

During the 1999 legislative session, the Legislature also enacted ch. 99-353, L.O.F., relating to environmental protection. Included in that act was a provision that the hunting and fishing licenses and permits established under ch. 372, F.S., and the exemptions thereto, be reviewed by the Legislature during its regular session and every 5 years thereafter beginning in 2000. During the interim preceding the 2000 legislative session, the Natural Resources Committee conducted a review of the licenses, fees, and exemptions in ch. 372, F.S.

Many of these fees have not been changed in many years and the cost increases of agency operations cannot be met from these user fees. As a consequence, increased agency operations costs have created more demand on the General Revenue Fund.

In 1942, when the Florida Game and Freshwater Fish Commission was created, hunting and fishing licenses were about the only source of revenue for this agency. Today, these license sales barely make up 30 percent of the agency's total revenues (including federal matching funds,) while an average of 30 percent of the agency's revenues comes from the state's General Revenue Fund.

License revenues are deposited into the State Game Trust Fund. Other funds which support the Commission's activities include the Nongame Wildlife Trust Fund, the Panther Research and Management Trust Fund, and the Land Acquisition Trust Fund. Since the mid 1980's, the Game and Freshwater Fish Commission has had to depend on significant subsidies of General Revenue

to meet its operating costs. The following table indicates the percentage of General Revenue Funds that have subsidized the Commission's budget in recent years.

<u>Fiscal Year</u>	<u>Agency Budget</u>	<u>% From Gen. Revenue</u>
1985-86	\$30 Million	45 Percent
1989-90	\$51 Million	38 Percent
1994-95	\$62.9 Million	31 Percent
1998-99	\$74.29 Million	26 Percent

While the percentage of subsidies from the General Revenue Fund fluctuates, the actual dollars received continues to rise. Over the years, revenue from license sales has been declining or stagnating. Because revenues have been declining, the Commission has experienced revenue shortfalls in the past.

The Commission issues more than 85 licenses pursuant to ch. 372, F.S. Of those, for FY 1997-98, the annual resident fishing license was the largest single revenue producer at \$4.8 million. Annual management area permits produced \$1.4 million. The next two largest fee producers are the nonresident annual fishing license (\$1.3 million) and the annual resident hunting license (\$1.5 million.) Many license fees have not increased since they were first established. There are seven licenses which have not been increased since established in 1929, and eight licenses that have not been increased in 20 years or more.

Over the years, beginning in 1929, the Legislature has provided for various exemptions to the state's fishing and hunting license and permitting requirements. Because of the various exemptions from the license requirements, those under 16 do not need a license to hunt or fish, nor do those persons over age 65. In the 1950's, only 10 percent of Florida's population was over 65. In 1997, 18.4 percent of Florida's population was over 65.

One of the exemptions provided by the Legislature has proven to be particularly troublesome. In 1979, the Legislature chose to exempt certain disabled persons from the fee requirements for hunting and fishing in Florida. The problem that has arisen involves the criteria used to determine disability. Currently, the criteria used is the same that is used to determine disability for worker's compensation eligibility. The problem is that a person who is disabled due to an injury could qualify while a person born with the same disability would not. Since 1979, the Commission has indicated that 92,049 free permanent licenses have been issued to disabled residents.

Today with the age and disability exemptions, over 30 percent of Florida's population is eligible to hunt and fish without having to pay for a license.

Florida's license fees are less than the national average for every category except its nonresident hunting license and its resident trapping license. A Florida nonresident hunting license is \$150. The national average is \$65.26. However, Florida does not require big game special tags or permits as other states do in addition to the basic license.

III. Effect of Proposed Changes:

This bill implements some of the findings and recommendations which are contained in the Senate Natural Resources Committee interim report #2000-63, *Review of License Fees and Exemptions Authorized in Chapter 372, F.S.*

Essentially, this bill proposes to do the following:

- Repeal the provisions of s. 370.0605, F.S., relating to noncommercial saltwater fishing licenses and permits and merge these provisions into ch. 372, F.S., so that all recreational fishing license provisions will be in one section of law.
- Repeal s. 370.0608, F.S., and recreate in ch. 372, F.S., to provide for the deposit of the annual saltwater license fees in the Marine Resources Conservation Trust Fund and to provide for the allocation of the license revenues received.
- Provide for an annual resident combined freshwater and saltwater fishing license of \$24.
- Eliminate three under-utilized licenses that are now basically obsolete: Resident Local Fur Dealer; Resident Fur Dealer Agent; Nonresident Fur Dealer Agent.
- Eliminate the 3-day, \$5 saltwater fishing license for nonresidents to conform with the previously eliminated 3-day, \$5 freshwater fishing license for nonresidents.
- Modify the provisions relating to the disabled exemption to remove inequities that currently exist.
- Modify the provisions relating to vessel registrations to provide that counties would retain the county portion of the registration fee collected rather than remitting it to the Department of Revenue.

Section 1: Section 372.105, F.S., is amended to provide that the proceeds from all of the lifetime licenses, including the saltwater portion of the lifetime sportsman's license, is to be deposited into the Lifetime Fish and Wildlife Trust Fund.

Section 2: Section 372.57, F.S., is amended to include noncommercial saltwater fishing license provisions in this section which currently deals with freshwater fishing and hunting licenses. A vessel operator may not operate any vessel for which a fee is paid, directly or indirectly, for the purpose of taking or possessing any saltwater fish for noncommercial purposes unless he or she has been issued an authorization or has obtained a license for each vessel for that purpose.

The exemptions from having to obtain a fishing license are expanded to include:

- Any Florida resident fishing in salt water from land or from a structure fixed to the land;
- Any person fishing from a vessel the operator of which is licensed; and
- Any person who holds a valid saltwater products license.

Also, the exemption for senior residents is modified to tie the license exemption for retired persons to the Social Security eligibility requirements.

This section specifies the fees for resident and nonresident annual licenses and resident 5-year licenses for saltwater fishing. It also provides the fees for a person operating a charter fishing vessel or a fishing pier.

A combination fishing license for a resident to take freshwater and saltwater fish is created. That license would cost \$24 per year. The combined price is the same as if the licenses were purchased separately.

A combination license for a resident to hunt and take freshwater fish and saltwater fish is created. That license would cost \$34 per year. The combined price is the same as if the licenses were purchased separately.

The Fish and Wildlife Conservation Commission is authorized to issue a temporary saltwater fishing license, upon request, to any governmental or nonprofit organization that sponsors 1-day special events in fishing management areas for individuals who have physical, mental, or emotional disabilities or for the economically disadvantaged. A fee may not be charged for this temporary license which is valid for 1 day only and must designate the date and the maximum number of individuals that it applies to.

The Commission may also designate, by rule, no more than 2 consecutive or nonconsecutive days in each year as free fishing days. This applies to the taking of freshwater or saltwater fish for noncommercial purposes.

A resident lifetime saltwater fishing license authorizes the holder to engage in certain noncommercial activities. The fee for a resident lifetime saltwater fishing license is:

- 4 years of age or younger -- \$125
- 5-12 years of age -- 225
- 13 years of age or older -- 300

A 5-year saltwater fishing license for a resident is \$60 and authorizes the holder to engage in noncommercial activities to take or attempt to take or possess saltwater fish consistent with state and federal regulations and rules of the commission in effect at the time of taking.

Section 3: Section 372.5701, F.S., is created to provide for the deposit of annual saltwater license fees into the Marine Resources Conservation Trust Fund. The provisions of this section were formerly contained in s. 370.0608, F.S., which is repealed by this bill. This was done in an effort to move all of the provisions relating to noncommercial saltwater fishing licenses to ch. 372, F.S., where there are similar license requirements for freshwater fishing.

This section also provides how saltwater license fees that are deposited into the Marine Resources Conservation Trust Fund are to be used. Not more than 5 percent of the total fees collect can be used to carry out the responsibilities of the Fish and Wildlife Conservation Commission and to provide for the award of funds to marine research institutions in this state for the purposes of

enabling such institutions to conduct worthy marine research project. Not less than 2.5 percent of the total fees collected shall be used for aquatic education purposes. The remainder of the fees are to be used as follows:

- Not more than 5 percent for the administration of the licensing program and for information and education.
- Not more than 30 percent for law enforcement.
- Not less than 27.5 percent for marine research.
- Not less than 30 percent for fishery enhancement, including, but not limited to, fishery statistics development, artificial reefs, and fish hatcheries.

Provides for the distribution of the funds available in the federal Wallop-Breaux Aquatic Resources Trust Fund.

Section 4: Section 372.561, F.S., is amended to modify the provisions which allow for the issuance of free licenses to disabled persons. Such a license may be issued to a resident who is certified:

- To be totally and permanently disable by the U.S. Department of Veterans Affairs or its predecessor or by any branch of the U.S. Armed Forces. Any license issued under this provision after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.
- To be totally disabled by the U.S. Social Security Administration upon proof of the same. Any license issued under this provision after October 1, 1999, expires after 2 year and must be reissued, upon proof of certification, every 2 years thereafter.

Notwithstanding any other provision in this section, any person who has received after July 1, 1997, and before July 1, 2000, a valid disability license issued under this section, retains the rights vested thereunder until the license has expired.

Currently, tax collectors may retain \$1.50 for each saltwater fishing license sold and \$1 for each freshwater fishing license, hunting license, and management permit sold. This bill clarifies and preserves the present situation.

Section 5: Section 372.574, F.S., is amended to provide that a fee for electronic license sales may be established by competitive-bid procedures that are overseen by the Commission. This section also clarifies certain law enforcement duties and powers.

Section 6: Section 372.66, F.S., is amended to eliminate the Nonresident Fur Dealer Agent License, the Resident Fur Dealer Agent License, and the Resident Local Fur Dealer License. These license are generally underutilized and have become obsolete.

Section 7, 8, 9, 10, and 11: Sections 372.571, 372.5712, 372. 5715, 372.573, and 372.661, F.S., are amended to correct certain cross-references.

Section 12: Section 372.83, F.S., is amended to provide that it is unlawful for any person to make, forge, counterfeit, or reproduce and freshwater fishing, hunting, or saltwater fishing license unless authorized by the commission. It is also unlawful to knowingly possess a counterfeit license. A violation of this section is a felony of the third degree.

This section also provides that violations of snook and crawfish permits are noncriminal infractions.

Section 13: Section 328.72, F.S., is amended to provide that the service charge and the county's portion of the vessel registration fee will remain in the county where it was collected instead of being remitted to the Department of Revenue. Further, the county portion of the vessel registration certificate fee collected by the Fast Title Section of the Bureau of Titles and Registration of the Department of Highway Safety and Motor Vehicles must be returned to the county where the vessel is registered. Deletes the provision that \$1 for each vessel registered in this state must be transferred to the Save the Manatee Trust Fund prior to determining the distribution back to the counties for their share of the vessel registrations.

Section 14: Section 328.76, F.S., is amended to conform to the amendments made in section 13 to s. 328.72, F.S.

Section 15: Subsection (3) of s. 370.06, F.S., is amended to delete obsolete language relating to gill nets.

Section 16: Sections 370.0605 and 370.0608, F.S., relating to noncommercial saltwater fishing licenses, are repealed.

Section 17: This act shall take effect July 1, 2000.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Two new licenses are created:

- A combination fishing license for a resident to take freshwater and saltwater fish is \$24.
- A combination license to hunt and take freshwater and saltwater fish is \$34.

These fees are the same as if the licenses were purchased separately.

Three license are eliminated:

- Resident Local Fur Dealer License which is \$10.
- Resident Fur Dealer Agent License which is \$10.
- Nonresident Fur Dealer Agent which is \$100.

The 3-day saltwater fishing license for nonresidents which is currently \$5 is eliminated. The 3-day freshwater license option was eliminated during the 1999 session.

A fee for electronic sales may be established by competitive bid procedures that are overseen by the Commission.

The county portion of the vessel certificate registration that is collected by the county would remain in the county and not remitted to the Department of Revenue.

B. Private Sector Impact:

Although two new licenses are created, the costs is the same as if the person was buying each license separately. However, there may be a savings in the processing and handling charges.

The elimination of the three fur dealer licenses is not expected to have a significant impact. In FY 1998-99, there were no Resident Fur Dealer Agent Licenses and Nonresident Fur Dealer Agent Licenses sold. For that same fiscal year, there were only 17 Resident Local Fur Dealer Licenses sold.

It is anticipated that the provision allowing disabled persons to hunt and fish for free will be more equitably applied and administered, therefore, allowing more disabled persons to hunt and fish for free.

Those persons who obtain their licenses electronically would be subject to a fee which would be designed to cover the costs of issuing those licenses. The amount of the fee cannot be determined at this time.

Currently, the age exemption for a free hunting and fishing license is 65 years of age. By tying the exemption to the Social Security retirement eligibility requirements, the age at

which a person would qualify would gradually increase over time along with the eligible retirement age for Social Security benefits.

C. Government Sector Impact:

The elimination of the three obsolete Fur Dealer Licenses and the 3-day saltwater fishing license is expected to help the Commission reduce its administrative costs by not having to print and handle these licenses that are not currently being sold.

By merging the noncommercial saltwater fishing provisions into the freshwater fishing and hunting statute, people will be able find all similar license requirements in one place rather than in two different chapters. This is part of an ongoing process to update and streamline the provisions relating to the Fish and Wildlife Conservation Commission following its creation on July 1, 1999

The fee to be established for electronic license sales would help to defray the costs associated with electronic sales.

Counties would be able to retain their portion of the vessel registrations immediately rather than remitting it the Department of Revenue and waiting for the department to send their portion back.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.