

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: SB 880

SPONSOR: Senator Kirkpatrick

SUBJECT: Fish and Wildlife Conservation Commission

DATE: April 11, 2000 REVISED: _____

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

I. Summary:

This bill revises several of the commission’s license and permit fees and authorizes new licenses and fees. Increases the license fees for private game preserves. Provides for a nonresident turkey permit. Provides for a fishing rod license. Authorizes the Fish and Wildlife Conservation Commission to adopt license or permit processing fees. Increases the private hunting preserve license fees. Increases the poisonous or venomous reptiles license fees. Revises and increases the wildlife exhibition fees. Increases the wildlife personal pet fees.

This bill amends ss. 372.16, 372.57, 372.661, 372.87, 372.921, and 372.922, F.S.; and creates s. 372.661, F.S.

II. Present Situation:

During the 1999 legislative session, the Legislature 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., and has introduced passed out of committee CS/SB 386. Committee Substitute for Senate Bill 386 implemented some of the findings and recommendations contained in the Natural Resources Committee’s interim report. It deleted some unused and under-used licenses and combined the recreational saltwater fishing provisions in ch. 370, F.S., with the fresh water fishing provisions in ch. 372, F.S. However, CS/SB 386 does not create any new licenses other than to provide for a combined saltwater fishing license and a fresh water fishing license that would cost the same as the two individual licenses.

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.

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.

In its proposed legislative package for 2000, the Fish and Wildlife Conservation Commission proposed several fee increases for various licenses and proposed a few new licenses. The overall purpose was to help alleviate some of the commission's ongoing trust fund problems.

III. Effect of Proposed Changes:

This bill revises several of the commission's license and permit fees and authorizes new licenses and fees.

Section 1: Section 372.16, F.S., is amended to increase the fee for private game preserves and farms from \$5 per year to \$25 per year.

Section 2: Section 372.57, F.S., is amended to create a new Florida turkey permit for nonresidents to take wild turkey in Florida. The fee for this new permit would be \$100 per year. Currently, Florida has a Florida turkey permit to take wild turkeys (available to both residents and nonresidents) which is \$5 per year. The \$5 fee will only be available to Florida residents.

The Commission is authorized to sell fishing rod licenses. The fishing rod license for a resident or nonresident must be adopted by Commission rule and must not exceed \$200 per license. The license is valid for 1 year from the date of issuance. The fishing rod license allows a person, resident or nonresident, to fish with a rod to which the license is attached, within the state, without the necessity of any other license or permit required by ch. 372, F.S., or ch. 370, F.S., except for permits or tags authorized by s. 370.111, F.S., (snook permits); s. 370.062, F.S., (tarpon tags); or s. 372.57(4)(f), F.S., (special use permit for limited entry hunting or fishing.) Each license must be permanently attached to the rod. Damaged rods with licenses or damaged licenses must be returned to the Commission for issuance of a replacement license. The commission may charge up to \$5 for each replacement license. The Commission, by rule, may limit the counties from which the licenses may be obtained and may limit the waterbodies upon which the permitted rods may be used, based upon economic and administrative limitations.

Section 3: Section 372.579, F.S., is created to allow the Commission to, by rule, adopt a processing fee, not to exceed \$100 for each license or permit required by ch. 39, F.A.C. The Commission shall annually report actions taken under this section to the President of the Senate and the Speaker of the House of Representatives.

Section 4: Section 372.661, F.S., is amended to increase the license fee for private hunting preserves. Currently, the fee is \$25 per year. This bill increases the fee to \$50 per year.

Section 5: Section 372.87, F.S., is amended to increase the fee for a permit or license to keep, possess, or exhibit poisonous or venomous reptiles from \$5 per year to \$25 per year.

Section 6: Section 372.921, F.S., is amended to expand the wildlife exhibition permit to include amphibians. Currently, no person, firm, corporation, or association may have or be in possession of, in captivity for the purpose of public display with or without charge or for public sale any wildlife, specifically birds, mammals, and reptiles without first obtaining a permit from the Fish and Wildlife Conservation Commission.

Current law provides that the exhibition fee is based on the number of individual specimens that the permit holder has -- \$5 for not more than 10 and \$25 for more than 10. This bill increases the fee and provides that it be based not only on the number of specimens held, but also the class of

specimen held. The fee will be \$100 per year for having not more than 25 Class I or Class II individual specimens in the aggregate for all species, and \$250 per year for more than 25 individual specimens. A Class I permit is for wildlife which because of its nature, habits, or status, shall not be possessed as a personal pet. A Class II permit is for wildlife considered to present a real or potential threat to human safety.

This bill also provides for a fee of \$25 per year for having any number of Class III individual specimens in the aggregate. A Class III permit is for wildlife to be specified by Commission rule.

Section 7: Section 372.922, F.S., relating to the personal possession of wildlife, is amended to create a Class III wildlife permit is to be specified by Commission rule with a fee of \$25 per year. Currently, Class I wildlife cannot be possessed as a personal pet. The permit fee for possession of Class II wildlife is \$100 per year.

The Commission is required to adopt rules defining Class I, Class II, and Class III types of wildlife.

Section 8: This act takes 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:

The license fee for private game preserves is increased from \$5 per year to \$25 per year.

A Florida turkey permit for nonresidents to take wild turkeys is created, the fee for which is \$100 per year.

A fishing rod license is created, the fee for which cannot exceed \$200 per license. A \$5 replacement license is authorized.

The Fish and Wildlife Conservation Commission is authorized to adopt, by rule, a processing fee for licenses and permits. That fee cannot exceed \$100.

The license fee for keeping or exhibiting poisonous or venomous reptiles in increased from \$5 to \$25.

The fees for exhibiting wildlife are increased.

- Provides for a permit fee for not more than 25 Class I or Class II individual specimens of \$100 per year. (Currently, it is \$5 for not more than 10 individual specimens.)
- Provides for a permit fee for more than 25 Class I or Class II individual specimens of \$250 per year. (Currently, it is \$25 for more than 10 individual specimens.)
- Provides for a permit fee for Class III permits of \$25 per year.

The bill creates a permit fee for personal possession of Class III wildlife. The amount of the fee is \$25 per year.

B. Private Sector Impact:

Those persons obtaining a wildlife exhibition permit, a private game preserve permit, a private hunting preserve permit, or a poisonous or venomous reptile permit will have to pay more for those permits. The fees for the wildlife exhibition permit and the poisonous or venomous reptile permit have not been increased for at least 20 years. The fee for a private game preserve or farm has not been increased since 1929 and the fee for the private hunting preserve has not been increased since 1959. The Fish and Wildlife Conservation Commission has estimated that they expect to issue the following permits in FY 2000-2001:

| | |
|---|--------------|
| Wildlife Exhibition Class I, II (<25 specimens) | 600 @ \$100 |
| Wildlife Exhibition Class I, II (>25 specimens) | 100 @ \$250 |
| Wildlife Exhibition Class III | 4,100 @ \$25 |
| Poisonous or venomous reptiles | 400 @ \$25 |
| Personal possession of wildlife Class I, II | 196 @ \$100 |
| Personal possession of wildlife Class III | 2,000 @ \$25 |

Many states, particularly western states, charge nonresidents a significant fee to hunt big game and trophy species. Florida is the only place where one can bag an Osceola turkey. Many out-of-state hunters come to Florida specifically for this turkey. Currently, Florida charges \$5 to hunt turkey. There is no distinction between residents and nonresidents. This bill proposes to charge nonresidents \$100 to take turkey in Florida. It is not known how many persons this will affect since no records have been kept to distinguish between residents buying turkey permits and nonresidents buying turkey permits.

The rod license provision in the bill would allow hotels, motels, and resorts to provide an opportunity for visitors to fish without having to buy a fishing permit. The hotel, motel, or resort would rent the rod to which a license is attach for an amount to be set by the private sector. To date, there are no programs anywhere in the country that rent fishing tackle with a blanket fishing license. The commission has indicated that it would limit this program to a couple of counties as a pilot project to determine its usefulness.

C. Government Sector Impact:

Fiscal Impact to the Fish and Wildlife Conservation Commission
Proposed FY 2000-2001

| <u>License/Permit Type</u> | <u>No. of Permits</u> | <u>Cost of Permits</u> | <u>Total</u> |
|-------------------------------|-----------------------|------------------------|-------------------------|
| <u>Wildlife Exhibition</u> | | | |
| --Class I, II (<25 specimens) | 600 | \$100 | \$60,000 |
| --Class I, II (>25 specimens) | 100 | \$250 | \$25,000 |
| --Class III | 4,100 | \$25 | \$102,500 |
| <u>Person Pet</u> | | | |
| --Class I, II | 196 | \$100 | \$19,600 |
| --Class III | 2,000 | \$25 | \$50,000 |
| Game Preserves & Farms | 564 | \$25 | \$14,100 |
| Hunting Preserves | 136 | \$50 | \$6,800 |
| Poisonous/Venomous Reptiles | 400 | \$25 | \$10,000 |
| Processing Fees | 6,000 | Unknown* | \$180,000 |
| Rod License | Pilot Program | \$200 | Unknown** |
| <i>TOTAL</i> | | | <i>\$468,000</i> |
| Current Revenue | | | \$117,280 |
| <u>REV. INCREASE</u> | | | <u>\$585,280</u> |

*Amount of fee to be set by commission rule

**Pilot area to be determined, number of participants unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
