

STORAGE NAME: h1489s1.ric.doc
DATE: April 16, 2001

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE
COUNCIL FOR READY INFRASTRUCTURE
ANALYSIS**

BILL #: CS/HB 1489
RELATING TO: Funding for the Fish & Wildlife Conservation Commission
SPONSOR(S): Council for Ready Infrastructure, Representative(s) Dockery
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION YEAS 10 NAYS 0
 - (2) GENERAL GOVERNMENT APPROPRIATIONS YEAS 12 NAYS 0
 - (3) COUNCIL FOR READY INFRASTRUCTURE YEAS 17 NAYS 0
 - (4)
 - (5)
-

I. SUMMARY:

CS/HB 1489 authorizes the Fish & Wildlife Conservation Commission (FWCC) to use general revenue funds deposited into the Marine Resources Conservation Trust Fund to hire additional officers to provide more on-the-water law enforcement. In addition, the bill transfers certain provisions relating to recreational saltwater fishing licenses from chapter 370 to chapter 372, Florida Statutes, thereby consolidating requirements for hunting, freshwater fishing, and saltwater fishing recreational licenses and permits into one statutory chapter. The FWCC is authorized to create a 1-day recreational saltwater fishing license available to non-residents for a fee of \$7.50, and provisions authorizing the sale of the 3-day recreational saltwater fishing license for \$5 are repealed.

CS/HB 1489 provides for technical cross-reference corrections, authorizes the FWCC to establish a statewide-automated license system using competitive bid procedures, authorizes fee increases for certain licenses and permits, and repeals the state subsidy to private landowners for hunting and fishing lands leased by the FWCC. Certain outdated provisions of Florida Statutes are repealed.

CS/HB 1489 has a substantial fiscal impact and takes effect on July 1, 2001.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1. Less Government Yes No N/A

CS/HB 1489 provides funding for additional law enforcement positions at the FWCC.

2. Lower Taxes Yes No N/A

CS/HB 1489 does not contain any tax increases. However, the bill authorizes fee increases for certain licenses and permits issued by the FWCC.

3. Individual Freedom Yes No N/A

4. Personal Responsibility Yes No N/A

5. Family Empowerment Yes No N/A

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Vessel Registration Fees

Chapter 328, Florida Statutes, provides the circumstances, conditions, and requirements for the registration of vessels in Florida. Section 328.40, F.S., authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue, handle, and record all vessel registration and title applications and certificates, including the receipt and accounting of vessel registration fees. Section 328.72, F.S., establishes fees and classification categories for vessels required to be registered within the state, and further provides that counties will receive a designated portion of the vessel registration fee and the purposes for which the county portion of the fee may be used. Under the provisions of section 328.76, F.S., the DHSMV must transfer certain vessel registration fees (less administrative costs) for deposit into the Marine Resources Conservation Trust Fund to be expended for specified purposes such as law enforcement and quality control programs, aquatic weed control, manatee protection and recovery efforts, and marine research. Portions of vessel registration fees for commercial and non-commercial vessels are distributed to the Save the Manatee Trust Fund at the FWCC, and portions of the commercial vessel registration fees are deposited directly into the General Inspection Trust Fund at the Department of Agriculture & Consumer Services.

Chapter 370, Florida Statutes

Chapter 370, Florida Statutes, provides for the regulation of Florida's commercial and recreational saltwater fisheries. Section 370.0603, F.S., provides for the Marine Resources Conservation Trust Fund (MRCTF) and establishes the purposes for which the fund may be used. Proceeds to be deposited into the MRCTF include commercial and recreational saltwater fishing license fees, vessel registration fees, fines and penalties assessed for violations of saltwater fishing provisions, and fees for special saltwater permits. Section 370.0605, F.S., provides the FWCC with the authority to issue recreational saltwater fishing licenses and permits, and establishes the fees and conditions under which those licenses and permits can be issued. Types of licenses regulated under this section include annual resident and non-resident fishing licenses, 5-year fishing licenses,

lifetime fishing licenses, vessel licenses, and pier licenses. Exemptions from license requirements, and free disability licenses also are provided in this section. Section 370.0608, F.S., provides for the distribution of recreational saltwater fishing licenses and specifies the purposes for which license fees can be expended.

Chapter 372, Florida Statutes

Chapter 372, Florida Statutes, provides for the regulation of Florida's commercial and recreational hunters and freshwater fishers. Section 372.105, F.S., establishes the Lifetime Fish and Wildlife Trust Fund, and provides that with the exception of the saltwater portion of the lifetime sportsman's license, all proceeds from the sale of lifetime licenses authorized in chapter 372 will be deposited into the fund. The principal of the trust fund can not be expended. Interest income, which can be appropriated to further the mission of the FWCC, can be spent as the respective license holders reach 16 years of age, determined actuarially on an annual basis by the FWCC. Section 372.105, F.S., establishes the Dedicated License Trust Fund and provides that the fund will be credited with revenues collected from the sale of 5-year hunting and freshwater fishing licenses. One-fifth of the revenues in the Dedicated License Trust Fund can be appropriated annually.

Section 372.561, F.S., establishes the FWCC's authority to issues licenses and permits for the taking of wild animal life and freshwater aquatic life. The FWCC is further authorized to issue free licenses and permits to disabled persons meeting specific criteria. Section 372.57, F.S., establishes the fees for licenses and permits related to recreational hunting and freshwater fishing licenses for residents and non-residents, and provides the conditions under which a license for hunting or fishing is not required. This section also contains the fees for management area permits, for recreational user fees for lands leased by the FWCC for hunting and fishing, special permits for hunting turkey, and authority for the FWCC to designate free fishing days.

Revenues from the sale of licenses and permits authorized in section 372.57, F. S., are deposited into the State Game Trust Fund, the primary operating fund of the FWCC.

Fees for Licenses and Permits

In addition to the annual hunting licenses, s 372.57, F.S., requires that residents and non-residents who want to hunt wild turkeys purchase a turkey permit for a fee of \$5, the same as the permit cost when it was created in 1985. Through November 30 of this fiscal year, 11,110 hunters purchased a turkey permit in addition to a hunting license generating revenues of \$55,550.

Section 372.16, F.S., provides for a \$5 annual fee (created in 1929) for persons maintaining a private game preserve or farm that is 640 acres or smaller. Private preserves or farms produce and rear birds and animals for private and commercial purposes. Through November 30 of this fiscal year, 206 permits were issued generating a total of \$1,030.

In 1998, the Legislature amended s. 372.57, F.S., to provide that private property owners leasing property to the FWCC for hunting, fishing, or outdoor recreational purposes, would receive proceeds from the sale of recreational use permit fees (User Pay Program). For private property owners participating in the existing Landowner Payment program and converting to the User Pay Program, the Legislature directed that the FWCC make a supplemental lease payment based on the commission's lease payment in the owner's final year of participation in the old program. In fiscal year 2001-2002, the state subsidy is expected to amount to \$379,000.

Section 372.661, F.S., provide for a \$25 annual license (created in 1959) to operate private hunting preserves commercially. Through November 30 of this fiscal year, 83 hunting preserve licenses were issued generating revenues of \$2,075.

Section 372.921, F.S., establishes the fees for wildlife exhibitor licenses (created in 1967). To exhibit 10 animals or less, the fee is \$5 per year; to exhibit 11 or more animals, the fee is \$25 per year. Through November 30 2000, 463 licenses for persons exhibiting 10 or fewer animals generated \$2,315, and 1,297 licenses for persons exhibiting 11 or more animals generated \$32,425 in revenue.

C. EFFECT OF PROPOSED CHANGES:

CS/HB 1489 proposes the following technical changes:

- Transfers recreational saltwater fishing licenses provisions contained in chapter 370, Florida Statutes, to chapter 372, Florida Statutes.
- Substantially rewords portions of chapter 372 to clearly delineate the FWCC's authority to issue licenses, to provide for exemptions from license requirements, and to clearly establish the fees and requirements for licenses and permits.
- Contains various cross-reference corrections.
- Repeals s. 370.0605, F.S., relating to recreational saltwater fishing licenses.
- Repeals s. 370.0615, F.S., relating to recreational saltwater lifetime fishing licenses.
- Repeals s. 370.1111, F.S., relating to the regulation of snook.
- Repeals subsections (10) and (11) of s. 370.14, F.S., relating to the regulation of crawfish, including a \$2 crawfish permit, and competitions for designing a crawfish stamp.

CS/HB 1489 proposes the following substantive changes:

- Clarifies that the county portion of vessel registration fees is derived from recreational vessels only.
- Provides purposes for which general revenue deposited into the Marine Resources Conservation Trust Fund may be used.
- Increases fees for certain licenses and permits issued by the FWCC.
- Eliminates the state subsidy for private landowners who participate in the User Pay program by leasing lands to the FWCC for public hunting, fishing, and outdoor recreational uses.
- Authorizes the FWCC to establish a statewide automated licensing system using competitive bid procedures.
- Creates a 1-day recreational saltwater fishing license available to non-residents for a fee of \$7.50.
- Repeals authorization for a 3-day recreational saltwater fishing license available to non-residents for a fee of \$5.
- Creates a convenient, annual gold sportsman's license for a fee of \$82.
- Establishes that persons charged with hunting or fishing without a license may pay a \$5 dismissal fee to the Clerk of the Court if a valid license can be produced prior to, or at the time of, a court hearing.
- Establishes that persons cited for not have a boating safety identification card in their possession at the time a violation occurs, may pay a \$5 dismissal fee to the Clerk of the Court if a valid identification card can be produced prior to, or at the time of, a court hearing.
- Is effective on July 1, 2001.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 327.73, F.S., to provide that persons cited under s. 327.395, F.S., for not having a boating safety identification card in their possession may have the case dismissed for a \$5 dismissal fee if prior to, or at the time of the hearing, they can produce a valid boating safety identification card.

Section 2. Amends s. 328.72, F. S., to clarify that the county portion of vessel registration fees is derived from recreational vessels only. Provides that the county portion of the vessel registration certificate fee collected by the Fast Title Section at DHSMV must be returned to the vessel owner's Florida county of residence.

Section 3. Amends s. 328.76, F.S., to clarify that \$1.50 of vessel registration fees from each commercial and recreational vessel is transferred to the Save the Manatee Trust Fund.

Section 4. Amends s. 370.063, F.S., to correct a cross-reference. Provides that general revenue funds transferred for deposit into the Marine Resources Conservation Trust Fund will be used by the commission to provide additional manatee protection by increasing on-the-water law enforcement.

Section 5. Transfers s. 370.0608, F.S., to s. 372.5701, F.S., and increases funding for marine fisheries management by providing that not less than 5 percent of the total fees collected from saltwater recreational fishing licenses will be used. Increases funding for marine law enforcement by providing that not less than 30 percent of the total fees collected from saltwater recreational fishing licenses will be used.

Section 6. Transfers s. 370.0609, F.S., to s. 372.5702, F.S., and adds the Smithsonian Marine Station at Ft. Pierce to the list of research institutions eligible to receive grants and contract funding from the FWCC.

Section 7. Amends s. 370.062, F.S., to correct a cross-reference.

Section 8. Amends s. 370.0603, F.S., to correct a cross-reference.

Section 9. Amends s. 372.105, F.S., to provide for the deposit of revenues from the sale of saltwater lifetime licenses into the Lifetime Fish and Wildlife Trust Fund. Provides that the interest income received from the sale of saltwater lifetime licenses may be used only for marine law enforcement efforts, marine research, and marine fishery enhancement.

Section 10. Amends s. 372.106, F.S., to provide for the deposit of revenues from the sale of 5-year saltwater fishing licenses into the Dedicated License Trust Fund. Provides that one-fifth of the total proceeds from the sale of 5-year saltwater licenses shall be appropriated annually to the Marine Resources Conservation Trust Fund.

Section 11. Amends s. 372.16, F.S., to raise the fee for a private game or farm license from \$5 to \$25 per year.

Section 12. Substantially rewords s. 372.561, F.S. to clarify the FWCC's authority to issue licenses, permits and authorizations to take wild animal life, freshwater aquatic life, and marine life. Authorizes the FWCC to establish a statewide automated licensing system using competitive bid procedures. Provides the FWCC with necessary rulemaking authority under chapter 120, F.S.

Section 13. Creates s. 372.562 to provide for free licenses and permits, and for exemptions from license and permit requirements when certain conditions have been met.

Section 14. Substantially rewords s. 372.57, F.S., to incorporate and clarify provisions from s. 370.0605, F.S., relating to saltwater recreational fishing licenses. Creates a 1-day recreational saltwater fishing license available to non-residents for a fee of \$7.50. Deletes the 3-day recreational saltwater fishing license available to non-residents for a fee of \$5. Creates a convenient, annual gold sportsman's license for \$82 for hunting, freshwater fishing, and saltwater

fishing, including specialty hunting and fishing permits or stamps. Increases from \$5 to \$100 the annual Florida turkey permit for non-residents. Provides that the annual Florida turkey permit for residents is not changed. Eliminates the state subsidy payment to private landowners for recreational user permit fees for lands leased by the FWCC and provides that future payments will be generated by the recreational user permit fees.

Section 15. Amends s. 372.571, F.S., to correct cross-references.

Section 16. Amends s. 372.5712, F.S., to correct cross-references.

Section 17. Amends s. 372.5715, F.S., to correct cross-references.

Section 18. Amends s. 372.5717, F.S., to correct a cross-reference.

Section 19. Amends s. 372.573, F.S., to correct cross-references.

Section 20. Amends s. 372.574, F.S., to repeal duplicative language for provisions relocated s. 372.561, F.S.

Section 21. Creates s. 372.579, F.S., to authorize the FWCC to impose a processing fee not to exceed \$100 for no-cost licenses or permits required by Title 68 of the Florida Administrative Code (the FWCC's regulation of fish and wild animal life). Provides the FWCC with necessary rulemaking authority under chapter 120, F.S.

Section 22. Amends s. 372.65, F.S., to correct a cross-reference and to repeal outdated language.

Section 23. Amends s. 372.661, F.S., to increase license fees for the operation of commercial private hunting preserves from \$25 to \$50, and to correct cross-references.

Section 24. Amends s. 372.711, F.S., to provide that persons charged with violating requirements for personal possession of licenses or permits can pay a \$5 dismissal fee to the Clerk of Court if prior to, or at the time of appearance, the person can produce a valid license.

Section 25. Reenacts s. 372.83, F.S., relating to noncriminal infractions, to incorporate the transfer of saltwater fishing provisions from s. 370.0605, F.S., to 372.57, F.S.

Section 26. Amends s. 372.921, F.S., to provide that the permit fee to exhibit not more than 25 Class I or Class II animals is \$100 a year (current permit – 10 animals / \$5 per year). Provides that the fee to exhibit more than 25 Class I or Class II animals is \$250 (current permit – more than 10 animals / \$25 per year). Provides that the fee to exhibit any number of Class III animals is \$25 per year. Class I animals may not be kept as personal pets. Class II animals present a real or potential threat to human safety.

Section 27. Amends s. 372.922, F.S., to provide that persons with a wildlife exhibitor permit may receive a personal possession permit without paying a fee.

Section 28. Amends s. 705.101, F.S., to declare that vessels declared derelict by the FWCC may be considered abandoned property.

Section 29. Amends s. 212.06, F.S., to correct a cross-reference.

Section 30. Amends s. 215.20, F.S., to correct cross-references.

Section 31. Repeals ss. 370.0605, 370.0615, and 370.1111, F. S., and repeals subsections (10) and (11) of s. 370.14, F.S.

Section 32. Provides for a \$6 million general revenue appropriation to the FWCC for fiscal year 2001-2002 to hire 38 additional law enforcement officers and 4 support staff. Provides that funds will be transferred from the general revenue fund to the Marine Resources Conservation Trust Fund. Provides that beginning in fiscal year 2002-2003, continuation funding of \$3.7 million will be transferred from the general revenue fund to the Marine Resources Conservation Trust Fund.

Section 33. Provides that the bill will take effect on July 1, 2001.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The fee increases proposed in CS/HB 1489 will provide additional funds to the FWCC's State Game Trust Fund and the Marine Resources Conservation Trust Fund (MRCTF).

2. Expenditures:

For fiscal year 2001-2002: \$6 million is transferred from general revenue to the MRCTF.
For fiscal year 2002-2003 and each year thereafter: \$3.7 million is transferred from general revenue to the MRCTF.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None is expected. Funds the counties will retain from vessel registration fees should be approximately the amount they receive now from the FWCC.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

CS/HB 1489 has a direct economic impact on the private sector as the bill provides for increases in licenses and permits issued by the FWCC.

D. FISCAL COMMENTS:

See above.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

CS/HB 1491 does not require municipalities or counties to spend money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

CS/HB 1491 does not reduce the authority that municipalities or counties have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

CS/HB 1491 does not reduce the percentage of state tax revenues shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

Section 12 of the bill provides the FWCC with authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement provisions relating to the establishment of a statewide automated license system.

Section 21 of the bill provides the FWCC with authority to adopt rules pursuant to the provisions of ss. 120.436(1) and 120.54, F.S., to implement provisions relating to fees for processing applications for certain licenses and permits.

C. OTHER COMMENTS:

When the House Natural Resources & Environmental Protection Committee heard HB 1489, the bill contained increases in vessel registration fees. Committee members expressed concerns regarding the proposed increase of vessel registration fees. Although the members supported the idea of increased on-the-water enforcement officers, they pledged to continue working on other solutions to fund additional officer positions.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 28, 2001, the House Natural Resources & Environmental Protection Committee unanimously adopted three traveling amendments that provided for the following:

- Deleted provisions creating a Class III wildlife specimen permit for personal possession of non-domesticated household pets such as raccoons and opossums,
- Increased to 30 percent the minimum amount of recreational saltwater fishing license revenues to be used for marine law enforcement efforts, and
- Deleted a cross-reference correction that was erroneously included in the bill.

On April 11, 2001, the Committee on General Government Appropriations adopted a "strike-everything" amendment to HB 1489 that provided the following:

- All provisions related to the increase of vessel registration fees were removed.
- The FWCC is provided with the authority to use specific funds deposited into the Marine Resources Conservation Trust Fund to hire additional officers to provide more on-the-water law enforcement.
- Not less than 30 percent of saltwater fishing license revenues can be used for marine law enforcement.

- Transfers recreational saltwater fishing license provisions from chapter 370 to chapter 372, Florida Statutes.
- Repeals the \$5, 3-day non-resident recreational saltwater fishing license and replaces it with a \$7.50, 1-day non-resident license.
- Creates an annual gold sportsman's license for \$82 as a customer convenience.
- Reorganizes and clarifies provisions relating to the FWCC's authority to issue hunting and fishing licenses, to exemptions from license requirements, and to annual recreational hunting and fishing license fees and permits.
- Provides for certain license and permit fee increases.
- Authorizes the court to assess \$5 in costs for persons charged with violations related to the possession of hunting and fishing licenses, if the person charged can produce a valid license on or before the court date.
- For fiscal year 2001-2002, provides an appropriation of \$6 million in general revenue funding for transfer to the Marine Resources Conservation Trust Fund to fund 38 additional law enforcement positions.
- Beginning in fiscal year 2002-2003, provides an appropriation of \$3.7 million annually from the general revenue fund for transfer to the Marine Resources Conservation Trust Fund as continuation funds for salaries authorized by HB 1489.

On April 16, 2001, the Council for Ready Infrastructure unanimously adopted three amendments to the traveling strike-everything amendment that:

- Authorized persons cited for violating the provisions of s. 327.395, F.S., relating to boating safety identification cards, to pay a \$5 dismissal fee assessed the Clerk of the Court, if a valid card is produced prior to or at the time of hearing.
- Amended s. 372.922, F.S., to provide that persons who have a wildlife exhibitor permit may receive a personal possession permit without paying a fee.
- Clarified provisions created in s. 372.711, F.S., to provide that persons cited for violating the provisions of s. 372.57, F.S., providing for possession of a valid hunting or fishing license, may have the case dismissed by the Clerk of the Court for a \$5 fee if a valid license can be produced prior to, or at the time of, the court hearing.

The bill was moved as a council substitute.

VI. SIGNATURES:

COMMITTEE ON HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION:

Prepared by:

Karon A. Molloy

Staff Director:

Wayne S. Kiger

AS REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Juliette Noble

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AS FURTHER REVISED BY THE COUNCIL FOR READY INFRASTRUCTURE:

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