

**HOUSE OF REPRESENTATIVES**

**HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION  
FINAL ANALYSIS**

**BILL #:** CS/HB 1085, 1ST ENGROSSED

**RELATING TO:** Fish & Wildlife Conservation Commission

**SPONSOR(S):** Council for Ready Infrastructure, Representative(s) Baxley & others

**TIED BILL(S):**

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

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

**I. SUMMARY:**

CS/HB 1085, 1<sup>st</sup> Engrossed, transfers certain provisions relating to recreational saltwater fishing licenses from Chapter 370 to Chapter 372, Florida Statutes, thereby consolidating requirements for recreational hunting, freshwater fishing, and saltwater fishing licenses and permits into one statutory chapter. The bill creates section 372.002, Florida Statutes, to establish legislative intent that Florida's citizens have a right to hunt, fish, and take game subject to regulations and restrictions prescribed by general law and contained in the State Constitution. Effective July 1, 2003, the Fish & Wildlife Conservation Commission (FWCC) is authorized to establish a statewide automated license system, and the administrative fees charged by tax collectors when selling hunting and fishing licenses are revised to assist the FWCC in implementing the system.

CS/HB 1085, 1<sup>st</sup> Engrossed, provides for technical cross-reference corrections and repeals outdated provisions of Florida Statutes. The bill amends section 372.27, Florida Statutes, to authorize fishing in the Rainbow River except within that portion of Rainbow Springs State Park lying within 1700 feet from the head of Rainbow Springs.

CS/HB 1085, 1<sup>st</sup> Engrossed, takes effect on July 1, 2002, except where otherwise provided.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |                             |   |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

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

CS/HB 1085, 1<sup>st</sup> Engrossed, supports individual freedom by lifting restrictions on fishing in the Rainbow River. Beginning on July 1, 2003, the bill supports less government by reducing the workload of and fees collected by tax collectors for the sale of hunting and fishing licenses by authorizing the implementation of a statewide automated license system.

B. PRESENT SITUATION:

**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 Fish and Wildlife Conservation Commission (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 nonresident 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 cannot be expended. Interest income, which can be expended 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 372.106, 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 issue 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 nonresidents, 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.

### **Rainbow River/Rainbow Springs**

The Rainbow River, once known as Wekiwa Creek, Blue Spring, and Blue Run, is more than 10,000 years old and starts at the headwaters of Rainbow Springs, located in Dunellon, Florida. The river is almost six miles long, empties into the Withlacoochee River, and is formed from approximately 500 millions gallons of water discharged daily from Rainbow Springs and other smaller springs which run the length of the river. In 1972, the Rainbow River was designated as a Registered Natural Landmark, and in 1987, as an "Outstanding Florida Waterway". In 1990, the state purchased the former Rainbow Springs Attraction to create the Rainbow Springs State Park which was opened in 1995. Activities along the river include camping, rafting, tubing, and fishing, although state law prohibits fishing in the river within 1 mile of the headwaters of the spring.

The Rainbow Springs State Park contains 826 upland acres, 79 wetland acres, and 15 submerged acres. The most important feature of the Park is the first magnitude spring which consists of many spring vents instead of one opening, and which produces 400-600 million gallons of water on a daily basis. The water temperature stays steady at approximately 72 degrees year around. Activities within the Park include canoeing, swimming, snorkeling and kayaking. No tubing or fishing are allowed within the State Park boundary.

#### **C. EFFECT OF PROPOSED CHANGES:**

##### **CS/HB 1085, 1<sup>st</sup> Engrossed, contains the following technical changes:**

- Transfers recreational saltwater fishing license 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. 370.111, 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 crawfish stamps.
- Repeals subsection (4) of s. 372.05, F.S., relating to written reports of the executive director of the FWCC.
- Repeals s. 372.06, F.S., relating to meetings of the FWCC.
- Repeals s. 372.60, F.S., relating to the sale of replacement licenses, effective July 1, 2003.

**CS/HB 1085, 1<sup>st</sup> Engrossed, contains the following substantive changes:**

- Amends qualifying language for disability exemptions for recreational hunting and fishing licenses.
- Establishes legislative intent with regard to the right to hunt, fish, and take game.
- Creates a convenient annual gold sportsman's license for Florida residents at a cost of \$82 per year.
- Authorizes the FWCC to sell annual permits at five times the cost to match five-year hunting and fishing licenses.
- Authorizes a \$5 dismissal fee for boaters, hunters, and fishers who are stopped for "no license" violations upon proof of possessing a current license.
- Provides that "derelict vessels" may be considered as abandoned property to provide local governments with additional flexibility in removal of those vessels.
- Codifies in statute that the FWCC has the authority to accept federal property.
- Effective July 1, 2003, revises fees assessed by tax collectors for the sale of hunting and fishing licenses to assist the FWCC in the creation and implementation of a statewide automated license system.
- Authorizes fishing in the Rainbow River up to the boundary of the Rainbow Springs State Park.

**D. SECTION-BY-SECTION ANALYSIS:**

**Section 1.** Amends s. 212.06, F.S., to correct a cross-reference.

**Section 2.** Amends s. 215.20, F.S., to correct certain cross-references.

**Section 3.** Amends s. 327.73, F.S., to provide that persons charged with violating requirements for a boating safety identification card can pay a \$5 fee to the Clerk of Court if prior to or at the time of appearance, the person can produce a valid card.

**Section 4.** Amends s. 370.0603, F.S., to correct a cross-reference.

**Section 5.** Amends s. 370.063, F.S., to correct a cross-reference.

**Section 6.** Amends s. 370.25, F.S., to provide that state universities can participate in the FWCC's artificial reef grant program. Authorizes the FWCC to accept title on behalf of the state to vessels for use in the artificial reef program, and authorizes the FWCC to adopt by rule criteria implementing the transfer of vessel titles to the state for use in the artificial reef program.

**Section 7.** Amends s. 372.001, F.S., to revise and reorganize definitions.

**Section 8.** Creates s. 372.002, F.S., establishing the Legislature's intent that Florida citizens have the right to hunt, fish, and take game in accordance with general laws and the State Constitution.

**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 recreational saltwater lifetime licenses may be used only for marine law enforcement efforts, marine research, and marine fishery enhancement. Clarifies that the interest income received from the sale of recreational lifetime hunting and freshwater fishing licenses can only be used to protect, manage, and conserve wild animal life and freshwater aquatic life.

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

sale of recreational 5-year hunting and freshwater fishing licenses and permits shall be appropriated to the State Game Trust Fund.

**Section 11.** Effective July 1, 2003, amends s. 372.16, F.S., to clarify permit requirements for private game preserves and farms.

**Section 12.** Creates s. 372.551, F.S., to clearly establish the FWCC's authority to use a competitive bid process to establish a telephone sales system and an electronic sales system for the sale of licenses and permits.

**Section 13.** 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. Provides the FWCC with necessary rulemaking authority under chapter 120, F.S.

**Section 14.** Amends s. 372.561, F.S., effective July 1, 2003, to revise the administrative fees assessed by tax collectors for the sale of licenses and permits.

**Section 15.** Creates s. 372.562, F.S., to provide for free licenses and permits, to provide for exemptions from license and permit requirements, and to clarify the requirements for disabled persons to qualify for exemptions from licenses and permits when certain conditions have been met.

**Section 16.** 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 convenient annual resident gold sportsman's license for \$82. Authorizes the FWCC to sell annual permits for five times the cost to accommodate 5-year hunting and fishing licenses.

**Section 17.** Renumbers s. 370.0608, F.S., as s. 372.5701, F.S., and provides that recreational saltwater fishing license fee will be distributed as follows:

- Not more than 7.5 percent of the total fees collected, for administration of the licensing program and for information and education.
- Not less than 30 percent of the total fees collected, for law enforcement.
- Not less than 32.5 percent of the total fees collected, for marine research and management.
- Not less than 30 percent of the total fees collected for fishery enhancement.

**Section 18.** Renumbers s. 370.0609, F.S., as s. 372.5702, F.S., and adds the Smithsonian Marine Station at Ft. Pierce to the list of institutions that may receive research grants and contracts from the FWCC.

**Section 19.** Renumbers s. 370.062, F.S., as s. 372.5704, F.S., and provides technical changes allowing tax collectors to submit all un-issued tarpon tags for the previous fiscal year to the FWCC by August 15 of each year.

**Section 20.** Amends s. 372.571, F.S., to correct cross-references.

**Section 21.** Amends s. 372.5712, F.S., to correct cross-references.

**Section 22.** Amends s. 372.5715, F.S., to correct cross-references.

**Section 23.** Amends s. 372.5717, F.S., to correct cross-references.

**Section 24.** Amends s. 372.573, F.S., to correct cross-references.

**Section 25.** Amends s. 372.574, F.S., to delete repetitive language for provisions relocated to s. 372.551, F.S.

**Section 26.** Effective July 1, 2003, amends s. 372,574, F.S., to repeal the authority for tax collectors to appoint subagents for the sale of licenses and permits, and to clarify the FWCC's authority to appoint subagents for those purposes.

**Section 27.** Amends s. 372.65, F.S., to correct a cross-reference.

**Section 28.** Amends s. 372.661, F.S., to correct cross-references.

**Section 29.** Amends s. 372.7015, F.S., to correct a cross-reference.

**Section 30.** Amends s. 372.7016, F.S., to correct a cross-reference.

**Section 31.** Amends s. 372.711, F.S., to provide that persons charged with violating requirements for personal possession of recreational licenses or permits can pay a \$5 fee to the Clerk of Court if prior to or at the time of appearance, the person can produce a valid license or permit.

**Section 32.** 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 s. 372.57, F.S.

**Section 33.** Amends s. 372.921, F.S., to provide permit requirements for the exhibition of Class I Class II, and Class III types of wildlife.

**Section 34.** Amends s. 372.922, F.S., to provide that persons in personal possession of Class III wildlife must obtain a no-cost permit from the FWCC. Provides that persons possessing a permit to exhibit or sell wildlife under s. 372.921, F.S., do not have to pay for a personal possession permit under s. 372.922, F.S. Authorizes the Commission to define Class I, Class II, and Class III types of wildlife.

**Section 35.** Amends s. 705.101, F.S., to provide that derelict vessels are included in the definition of "abandoned property."

**Section 36.** Amends s. 810.09, F.S., to correct a cross-reference.

**Section 37.** Amends s. 372.27, F.S., to authorize fishing in the Rainbow River up to the boundary of the Rainbow Springs State Park.

**Section 38.** Repeals ss. 370.0605, 370.0615, 370.1111, subsections (10) and (11) of s. 370.14, subsection (4) of s. 372.05, and s. 372.06, Florida Statutes.

**Section 39.** Effective July 1, 2003, repeals s. 372.60, F.S.

**Section 40.** Provides an effective date of July 1, 2002, except where otherwise provided.

### III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

CS/HB 1085, 1<sup>st</sup> Engrossed, does not require municipalities or counties to spend money or to take action that requires a significant expenditure of money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

CS/HB 1085, 1<sup>st</sup> Engrossed 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 1085, 1<sup>st</sup> Engrossed, does not reduce the percentage of state tax revenues shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

CS/HB 1085, 1<sup>st</sup> Engrossed, relates to an assortment of duties performed by the FWCC beginning with boating education, and including the sale of recreational fishing and hunting licenses. This may violate the "single-subject" provisions of section 6, Article III of the State Constitution.

B. RULE-MAKING AUTHORITY:

Section 6 of CS/HB 1085, 1<sup>st</sup> Engrossed, provides the FWCC with rulemaking authority to adopt criteria to implement the transfer of vessel titles under the artificial reef program.

Section 33 of CS/HB 1085, 1<sup>st</sup> Engrossed, provides the FWCC with rulemaking authority to adopt rules relating to issuing permits for the exhibition of wildlife.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 5, 2002, the members of the House Natural Resources & Environmental Protection Committee unanimously adopted a traveling "strike-everything" amendment that eliminated the fiscal impact of HB 1085 as filed by removing all fee increases by removing all license and permit fee increases from the bill. The amendment traveled with the bill.

On February 14, 2002, the Council for Ready Infrastructure adopted an amendment to the traveling, strike-everything amendment to HB 1085. The amendment to the amendment removed provisions of the bill requiring that all persons born after 1980 would have to take a boating safety course. The bill was moved as a Council Substitute.

On February 27, 2002, the members of the Florida House of Representatives adopted two amendments to the CS/HB 1085 which are effective July 1, 2003, and provide for revisions to the administrative fees assessed by tax collectors for the sale of hunting and fishing licenses and permits. These revisions will allow the FWCC to establish and implement a statewide automated license system without passing the cost on to the consumers. The bill was passed unanimously and immediately certified to the Senate.

On February 28, 2002, the Florida Senate took up and passed the CS/HB 1085, 1<sup>st</sup> Engrossed, in lieu of CS/CS/SB 354, 1<sup>st</sup> Engrossed.

VII. SIGNATURES:

COUNCIL FOR READY INFRASTRUCTURE:

Prepared by:

Karon A. Molloy

Staff Director:

Wayne S. Kiger

AS REVISED BY THE COUNCIL FOR READY INFRASTRUCTURE:

Prepared by:

C. Scott Jenkins

Council Director:

Thomas J. Randle

**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION:**

Prepared by:

Karon A. Molloy

Council Director:

Wayne S. Kiger