



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Not Applicable.

#### B. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

##### State Law and Rules

The Legislature has intended that the citizens of Florida have a right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by general law.<sup>1</sup> Florida law forbids the taking of game, freshwater or saltwater fish, or fur-bearing animals for recreational purposes without a license, permit, or other authorization number.<sup>2</sup> The Florida Fish and Wildlife Conservation Commission (FWC) is directed to issue licenses and permits to any applicant providing proof that they are entitled to hold a license or permit.<sup>3</sup> The law also grants rulemaking authority to the Commission to implement statutory provisions.<sup>4</sup>

According to the FWC, a *license* allows the bearer to hunt or fish, subject to the terms and conditions of the particular license.<sup>5</sup> A *permit* expands the authority of a license to include authorization to hunt or fish a particular species, or engage in recreational activities in certain areas.<sup>6</sup> Residents wishing to purchase licenses and permits for recreational activities may do so at the FWC, any local tax collector, or any approved subagent.<sup>7</sup> Fees for licenses and permits are set by Florida law.<sup>8</sup> Additional processing fees are also authorized, portions of which are retained by the local tax collectors.<sup>9</sup>

**Section 372.57, F.S.**, lists all the sportsman's license fees the state charges. For example, the freshwater fishing license is \$12, and the hunting license to take game is \$11. This section also lists combination licenses such as the annual sportsman's license and the annual gold sportsman's license, which allow sportsmen greater flexibility, sometimes at a reduced cost than if they bought the authorizations separately.

Licenses and permits must be in the personal possession of any person who is taking or attempting to take any game, freshwater or saltwater fish, or fur-bearing animal. Failure to present proper licensure to a FWC law enforcement officer is a violation of the law.<sup>10</sup>

Under the Senator Joe Carlucci Hunter Safety Act, persons wishing to obtain a hunting license and who are born on or after June 1, 1975, must also complete a hunter safety course and have within their personal possession a hunter's safety certification card in addition to any license and permit.<sup>11</sup>

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<sup>1</sup> s. 372.002, F.S.

<sup>2</sup> s. 372.57 (1), F.S.

<sup>3</sup> s. 372.561 (3), F.S.

<sup>4</sup> s. 372.561 (8), F.S.

<sup>5</sup> <http://myfwc.com/license/>

<sup>6</sup> <http://myfwc.com/license/>

<sup>7</sup> s. 372.561 (4), F.S.

<sup>8</sup> s. 372.57 (4), F.S.

<sup>9</sup> s. 372.561 (5) and (6), F.S.

<sup>10</sup> s. 372.57 (3), F.S.

<sup>11</sup> s. 372.5717 (2), F.S.

However, the hunter safety requirements do not apply to persons who are exempt from the license requirements of **s. 372.5717 (7), F.S.**

#### Exemption for Military personnel on leave

Current Florida law allows for various exemptions to recreational licensing and permitting requirements.<sup>12</sup> A hunting, freshwater fishing, or saltwater fishing license or permit is not required for any resident who is a member of the United States Armed Forces and not stationed in this state, when home on leave for 30 days or less, upon submission of orders.<sup>13</sup> A “resident” is defined as any person who has continually resided in this state for six (6) months or any member of the United States Armed Forces who is stationed in this state.<sup>14</sup> This also includes the spouses and dependent children residing in the household.<sup>15</sup>

#### Federal Law and Regulations

According to federal law, a “military identification card” is a card or other form of identification used for purposes of demonstrating eligibility for any benefit from the Department of Defense.<sup>16</sup> Identification cards for active military personnel and reserve personnel as well as spouses and dependents include the member’s name, social security number, and expiration date. Identification cards for current members have an indefinite expiration date. Cards for spouses and dependents generally carry a 4-year or less expiration, depending on the status of the member. Recent legislation allows spouses and dependents over age 72 to have an indefinite expiration date.<sup>17</sup> Identification cards do not include the member, spouse, or dependent’s address of residency.

The Florida National Guard notes that any retiree drawing benefits receives a retiree identification card; however, those retirees not drawing benefits retain their original identification.<sup>18</sup> For all Reserve branches, retired members receiving benefits are issued “retired” identification cards.<sup>19</sup>

#### Effect of Proposed Changes:

This committee substitute creates a new license under **s. 372.57 (4), F.S.**, named the annual military gold sportsman’s license. It gives the person to whom it is issued the same authorizations as they would have under the current annual gold sportsman’s license yet at a reduced cost. The general public may purchase the gold sportsman’s license for \$82; this committee substitute allows Florida residents who are active or retired members of the U.S. Armed Forces or Reserve, National Guard, or U.S. Coast Guard or Coast Guard Reserve to purchase the annual military gold sportsman’s license for \$18.50. Those eligible for the military gold sportsman’s license would simply need to present a current military identification card at the time of purchase.

Those eligible residents who purchase the annual military gold sportsman’s license would be authorized to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the FWC, in effect at the time of taking. Other authorized activities include those authorized by a management area permit, a muzzle-loading gun permit, a turkey permit, a Florida waterfowl permit, an archery permit, a snook permit, and a crawfish permit.

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<sup>12</sup> s. 372.562, F.S.

<sup>13</sup> s. 372.562 (2) (c), F.S.

<sup>14</sup> s. 372.001 (15) (a) (b), F.S.

<sup>15</sup> <http://myfwc.com/license/>

<sup>16</sup> 10 USC 1060b

<sup>17</sup> FWC, Legislative Bill Analysis, HB 395 (2005)

<sup>18</sup> Personal communication, Lt. Col. Ron Tittle, Public Affairs, Fla. National Guard

<sup>19</sup> Personal communication, Lt. Col. Matt Beretz, Army Reserve Congressional Liaison Officer

This committee substitute adds this new license to the sections determining proceeds that go toward certain wildlife and conservation funds. Pro rata portions of this new license fee shall go toward waterfowl and wild turkey research and management, management area protection. This committee substitute also adds this new license to existing exemptions for certain commercial hunting preserves.

This committee substitute would take effect upon becoming law.

#### C. SECTION DIRECTORY:

- Section 1. Creates **s. 372.57 (4)(j), F.S.**, authorizing the FWC to issue a new annual military gold sportsman's license with all the benefits of the annual gold sportsman's license in **s. 372.57 (4)(i), F.S.**, at a reduced fee of \$18.50 to Florida residents who are active or retired members of the U.S. Armed Forces or Reserve, National Guard, or U.S. Coast Guard or Coast Guard Reserve.
- Section 2. Amends **s. 372.5712, F.S.**, ensuring pro rata proceeds from the new annual military gold sportsman's license go towards waterfowl research and wetlands preservation.
- Section 3. Amends **s. 372.5715, F.S.**, ensuring pro rata proceeds from the new annual military gold sportsman's license go towards wild turkey research and management.
- Section 4. Amends **s. 372.573, F.S.**, ensuring pro rata proceeds from the new annual military gold sportsman's license go towards protection of lands for public hunting, fishing and other outdoor recreation.
- Section 5. Amends **s. 372.661, F.S.**, adding the new annual military gold sportsman's license to existing exemptions for certain commercial hunting preserves.
- Section 6. Provides that the act shall take effect upon becoming law.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The FWC reports that the fiscal impact of the bill is "unknown." However, the FWC estimates a potential annual revenue loss of approximately \$25,000. The FWC estimates approximately 218,868 active and retired residents would be eligible under this committee substitute and assumes trends that report 17% of Florida's residents fish and 2% of Florida's residents hunt<sup>20</sup>.

The FWC also notes that all residents over the age of 65 are also exempt from freshwater and saltwater fishing licenses and hunting licenses. The total number of eligible retirees that are also military retirees is 85,004.

It is possible, however, that the state may increase revenues. For example, those eligible for this new license may upgrade from an existing simple fishing license at \$12.00 bringing the state an additional \$6.50. It is also possible that the lower cost of this new license may encourage more military sportsmen across the state.

#### 2. Expenditures:

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<sup>20</sup> Weaver, Fish and Wildlife Conservation Commission, "HB 395 License Exemptions Calculations inc milsptscl 322.xls," March 28, 2005 (on file with the Committee on Military and Veterans Affairs).

There are no known or expected fiscal impacts on state government expenditures.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

There are no known or expected fiscal impacts on local government revenues.

2. Expenditures:

There are no known or expected fiscal impacts on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Those eligible for the new annual military sportsman's license created under this committee substitute would save \$63.50 off the normal price for the annual sportsman's gold license.

**D. FISCAL COMMENTS:**

None

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenues.

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

The FWC appears to have ample rulemaking authority in Florida Statute to create and implement the new annual military gold sportsman's license under this committee substitute.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

On March 30, 2005, the Committee on Military and Veteran Affairs amended this bill before voting to report the bill favorably. The amendment creates **s. 372.57 (4)(j), F.S.**, authorizing the FWC to issue a new annual military gold sportsman's license with all the benefits of the annual gold sportsman's license in **s. 372.57 (4)(i), F.S.**, at a reduced fee of \$18.50 to Florida residents who are active or retired members of the U.S. Armed Forces or Reserve, National Guard, or U.S. Coast Guard or Coast Guard Reserve. The amendment also removed the bill's proposed changes to **s. 372.562 (2)(c), F.S.**, which would have expanded those eligible for a free hunting, freshwater fishing, or saltwater fishing license or permit. In addition, since the amendment requires the purchase of a license which the original bill did not do, local governments will continue to receive their portion of the \$1.50 fee. The committee then voted to report the bill favorably with committee substitute by a vote of 6 to 0.