

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Finance and Tax Committee

BILL: CS/SB 1982

INTRODUCER: Environmental Preservation and Conservation Committee and Environmental Preservation and Conservation Committee

SUBJECT: Recreational Licenses and Permits

DATE: April 18, 2007

REVISED: 4/19/2007

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bascom</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Keating</u>	<u>Johansen</u>	<u>FT</u>	<u>Fav/2 amendments</u>
3.	<u> </u>	<u> </u>	<u>GA</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

This committee substitute would implement recommendations from the Florida Fish and Wildlife Conservation Commission (FWC or commission), supported by the Senate Committee on Environmental Preservation's interim report no. 2005-218, FWC 5-Year License and Fee Review, to increase certain license and permit fees for residential and non-residential freshwater and saltwater fishing, and hunting. The committee substitute makes a number of recommendations that follow the guidelines set forth in ch. 99-353, Laws of Florida, which require the Legislature to review the fees for licenses and permits, issued by the Fish and Wildlife Conservation Commission, every 5 years. Specifically the committee substitute:

- Authorizes the commission, tax collectors and certain subagents to request and collect donations when selling recreational licenses or permits. The proceeds from the collection of the donations are to be distributed to the Wildlife Foundation of Florida and used for purposes specified in s. 372.0215, F.S.
- Increases fees charged to Florida residents and nonresidents for certain hunting, freshwater and saltwater fishing licenses.
- Increases fees charged for the waterfowl, turkey and snook permits to \$10.
- Creates a 3-day freshwater fishing license for nonresidents.

This committee substitute amends the following sections of the Florida Statutes: 372.561, 372.562, 372.57, 372.571, and 372.661.

This committee substitute reenacts the following sections of Florida Statutes: 372.5712, 372.5715, and 372.573.

II. Present Situation:

The Legislature created the FWC by enacting ch. 99-245, Laws of Florida, to merge the former Game and Fresh Water Fish Commission, the former Marine Fisheries Commission, and portions of the Department of Environmental Protection into the new agency. In 1999, the Legislature also enacted ch. 99-353, Laws of Florida, to require that every 5 years the Legislature review the fees for licenses and permits issued by the FWC.

In September 1999, the Florida Senate's Committee on Natural Resources published Interim Project Report no. 2000-63, Review of License Fees and Exemptions Authorized in Chapter 372, F.S. This report summarized the former Game and Fresh Water Fish Commission's reliance on state general revenue subsidies in order to meet operating expenses. The report also found that the cost of issuing some of the agency's licenses and permits exceeded the revenues derived from those permits, and recognized that many of the fees for those permits had not been raised since the permits were created in 1929.

The report stated that a survey conducted by the former Game and Fresh Water Fish Commission concluded that Florida's license fees were less than the national average for every category except non-resident hunting and resident trapping fees. The report further found that at least 30 percent of Florida's population is either eligible to receive a free license or is exempt from license requirements due to age or disability.

According to 2001 statistics provided by the American Sportfishing Association, freshwater fishing in Florida generated more than \$1 billion in retail sales, more than \$484 million in wages and salaries, provided for 19,519 jobs, and generated more than \$55 million in sales and fuel taxes. For the same period, saltwater fishing in Florida generated almost \$3 billion in retail sales, more than \$1.3 billion in wages and salaries, provided 59,418 jobs, and generated more than \$171 million in sale and fuel taxes. In 2003, Florida ranked number 1 in the nation with more than \$4 billion in retail sales generated by recreational fishing. In fiscal year 2003, the FWC received less than \$25 million from the sale of all types of saltwater and freshwater fishing licenses, including specialty permits and vessel licenses.

In November 2005, the Florida Senate's Committee on Environmental Preservation published Interim Project Report no. 2005-218, Fish and Wildlife Conservation Commission 5-Year License and Fee Review. This report, aside from reaffirming the findings of the committee's 2000 report, included a review of fees for licenses and permits issued by southeastern coastal states as well as Texas, California, and Alaska. California was selected because of its large population and popular saltwater fishery. Alaska was selected because of the high tourism rate and the specialty permits issued to hunt big game. The southeastern states and Texas were selected because they share the Gulf of Mexico and the Atlantic Ocean with Florida Fisherman.

When comparing Florida license and permit fees with those currently offered by the same 7 states referenced in Interim Project Report no. 2005-218, staff noted the following:

- Five of eight states offer an independent resident annual freshwater fishing license with a minimum price of \$9.50 (Alabama and Louisiana) and a maximum of \$28.00 (Texas). Florida ranks second highest with a price of \$12.00, while South Carolina (\$10) followed as third highest. Alaska (\$24), California (\$37.50), and Georgia (\$9) allowed both freshwater and saltwater fishing under one license.
- For annual resident saltwater fishing, the fees are South Carolina (\$10), Florida (\$12), Louisiana (\$14.50), Alabama (\$16), and Texas (\$33).
- Florida ranked second lowest for residential annual hunting fees at \$11. Georgia was the lowest (\$10) followed by Alabama (\$15), South Carolina (\$18), Texas (\$23), Alaska (\$25), Louisiana (\$29), and California (\$34.50).
- Six out of eight states offer an annual resident combination package of hunting and fishing and/or freshwater fishing ranging from \$17 (Georgia) to \$48 (Alaska). Florida ranks second lowest at \$22.
- Five of eight states offer an annual resident combination permit for freshwater and saltwater fishing with a minimum permit fee of \$14.50 (Louisiana) and a maximum permit fee of \$38 (Texas). Florida ranks third highest (\$24) just below Alabama (\$24.50), but higher than South Carolina (\$20). Alaska (\$24), California (\$37.50), and Georgia (\$9) allow both freshwater and saltwater fishing with a single fishing license.
- Only four of eight states provide an annual resident combination permit for hunting, freshwater fishing and saltwater fishing South Carolina (\$25), Florida (\$46.50), Alaska (\$48) and Texas (\$57). Alabama, Louisiana and Georgia provide this benefit under their sportsman's permit. Only California does not offer a combination permit for its residents.
- Six of eight states offer variations of an annual resident sportsman's permit. The fees are South Carolina (\$50), Alabama (\$59.50), Georgia (\$60), Alaska (\$62), Texas (\$64) and Florida (\$71).
- Seven of eight states offer variations of an annual resident gold sportsman's permit. The fees are South Carolina (\$50), Alabama (\$59.50), Georgia (\$60), Alaska (\$62), Texas (\$64), Florida (\$87) and Louisiana (\$100).
- Currently, three of eight states offer 3-day non-resident freshwater fishing permits Georgia (\$10.50 purchased in 1-day increments for both freshwater and saltwater fishing), Texas (\$33) and Alaska (\$35). California offers a 2-day permit (\$18.65 for both freshwater and saltwater fishing) and Louisiana offers a 4-day freshwater permit (\$15). Only Alabama and South Carolina do not offer an incremental permit for less than 7 days.
- Five of eight states offer 7-day non-resident freshwater fishing permits Georgia (\$7 for both freshwater and saltwater fishing), South Carolina (\$11), Florida (\$15), Alabama (\$31.50, special offer for Florida residents), and Alaska (\$55). Louisiana offers only 4-day nonresident permits (\$15) and California offers only 10-day non-resident permits (\$37.50). Texas provides 1-day incremental permits, however an annual permit for freshwater fishing would be more cost effective.
- Currently, four of eight states offer 3-day non-resident saltwater fishing permits Florida (\$5), Georgia (\$10.50 purchased in 1-day increments for both freshwater and saltwater fishing), Alaska (\$35) and Texas (\$38). California offers a 2-day permit (\$18.65 for both

- freshwater and saltwater fishing) and Louisiana offers a 4-day saltwater permit (\$45). Alabama does not offer a non-resident saltwater permit for less than 7 days (\$16.50). South Carolina does not offer a non-resident saltwater permit for less than 14 days (\$11).
- Four of eight states offer 7-day non-resident saltwater fishing permits Georgia (\$7 for both freshwater and saltwater fishing), Florida (\$15), Alabama (\$16.50, special offer for Florida residents), and Alaska (\$55). Louisiana offers only 4-day nonresident permits (\$45) and California offers only 10-day non-resident permits (\$37.50). Texas provides 1-day incremental permits, however an annual permit for freshwater fishing would be more cost effective. South Carolina offers a 14-day non-resident saltwater permit (\$11).
 - For annual non-resident freshwater fishing, fees are \$24 (Georgia), \$30 (Florida), \$31.50 (Alabama), \$35 (South Carolina), \$55 (Texas), \$60 (Louisiana), \$100 (California), and \$145 (Alaska).
 - Six of eight states offer some variation of a resident lifetime fishing and/or hunting license. Only Alaska and South Carolina do not. Florida is the only one of eight to offer a 5-year license for residents for hunting (\$55) and freshwater or saltwater fishing (\$60).
 - While all eight states offer exemptions to licensing requirements, Florida offers more exemptions and free licenses than any of the other seven states.
 - Florida and Texas are the only two that consider a minor 16 years of age or younger for the purposes of exemption from licensing requirements.

The FWC currently has revenue streams from the following trust funds:

- Marine Resources Conservation
- State Game
- Florida Panther Research Management
- Save the Manatee
- Non-game Wildlife
- CARL Program
- Land Acquisition
- Federal Grants
- Grants and Donations

According to the FWC, current expenditures in each of the trust funds, with the exception of the Federal Grants Trust Fund and the Grants and Donations Trust Fund, exceed revenues and by fiscal year 2010/2011 total deficits will exceed \$12.5 million. Shortfalls in revenues have been made up in each trust fund through appropriation of general revenue by the Legislature.

According to the FWC annual report for the Wild Turkey Permit Program, as required under s. 372.5715, F.S., revenues exceeded expenditures during the 2005-2006 program years. During that year, 24,965 total permits were issued that allow the taking of wild turkey generating \$488,060 in revenue, of which \$94,151.50 was donated from the FCNWTF. During that time, expenditures for salaries, benefits, research and management of the program totaled \$263,184.86.

According to the FWC annual report for the Waterfowl Permit Program, as required under s. 372.5712, F.S., expenditure exceeded revenues during the 2005-2006 fiscal year. In that year, 38,031 permits were issued for the taking of Florida waterfowl generating \$116,898. During that time, expenditures for administration, research and management totaled \$572,986.

All revenues generated from the sale of snook permits are to be used exclusively for programs that benefit the snook population. There are currently no reporting procedures for the snook program.

Projections of future recurring revenues and expenditures provided by FWC suggest deficits in each of the trust funds, with the exception of the Federal Grants Trust Fund, can be averted by an increase in donations and certain licensure fees thus removing the dependency on appropriations of general revenue.

III. Effect of Proposed Changes:

Section 1 amends s. 372.561 (13), F.S., to allow the commission, any tax collector in this state, or any subagent authorized to sell licenses and permits under s. 372.574, F.S., may request and collect donations when selling a recreational license or permit authorized under s. 372.57, F.S. All donations collected under this subsection must be transferred to the Wildlife Foundation of Florida, Inc., to be used for the purpose specified in s. 372.0215, F.S.

Section 2 amends s. 372.562, F.S.:

- To specify certain exemptions apply to only freshwater fishing.
- Establishes that the exemption from licensure, for residents fishing within his or her county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism, does not apply when fishing in a legally established fish management area.
- To specify certain exemptions apply only to saltwater fishing.

Section 3 amends s. 372.57 (4) (5) (8) (h) (9) (a), F.S.:

- Increasing the annual resident freshwater fishing license from \$12 to \$15.50.
- Increasing the annual resident saltwater fishing license from \$12 to \$15.50.
- Increasing the annual resident hunting license to take game from \$11 to \$15.50.
- Increasing the annual resident combination hunting and freshwater fishing license from \$24 to \$31.
- Increasing the annual resident combination freshwater fishing and saltwater fishing license from \$24 to \$31.
- Increasing the annual resident combination hunting, freshwater fishing and saltwater fishing license from \$34 to \$46.50.
- Increasing the annual resident sportsman's license from \$71 to \$79.
- Increasing the annual resident gold sportsman's license from \$87 to \$98.50.
- Creating the non-resident 3-day freshwater fishing license for \$15.50.
- Increasing the non-resident 7-day freshwater fishing license from \$15 to \$28.50.
- Increasing the non-resident 3-day saltwater license from \$5 to \$15.50.
- Increasing the non-resident 7-day saltwater fishing license from \$15 to \$28.50.
- Increasing the annual non-resident freshwater fishing license from \$30 to \$45.50.
- Increasing the annual non-resident saltwater fishing license from \$30 to \$45.50.
- Increasing the annual Florida waterfowl permit for a resident or nonresident from \$3 to \$10.

- Increasing the annual Florida turkey permit for a resident from \$5 to \$10.
- Increasing the annual snook permit for a resident or nonresident from \$2 to \$10. The bill specifies that the revenues generated from the snook permits be used exclusively for law enforcement activities, management, research, stock enhancement, and public education that directly benefits the snook population. The commission must provide a complete and detailed annual report on activities performed using snook permit revenues to the Governor, President of the Senate, and the Speaker of the House of Representatives on or before September 1 of each year.
- Changing the minor dependent age requirement for exemption to hunt with a recreational user permit under the supervision of a permittee from 16 years of age or younger to less than 16 years of age.
- Increasing the resident 5-year freshwater fishing or saltwater fishing license from \$60 to \$77.50.
- Increasing the resident 5-year hunting license from \$55 to \$77.50.

Section 4 conforming cross-references under s. 372.571, F.S.

Section 5 conforming cross-references under s. 372.661 (2), F.S.

Section 6 reenacts s. 372.5712 (1), F.S., authorizing the commission to expend revenues generated from the sale of the Florida waterfowl permit, to incorporate amendments from the increase in license fees pursuant to s. 372.57, F.S.

Section 7 reenacts s. 372.5715 (1), F.S., authorizing the commission to expend revenues generated from the sale of the Florida wild turkey permit, to incorporate amendments from the increase on license fees pursuant to s. 372.57, F.S.

Section 8 reenacts s. 372.573, F.S., authorizing the commission to expend revenues generated from the sale of the Florida management area permit, to incorporate amendments from the increase of license fees pursuant to s. 372.57, F.S.

Section 9 provides that this act shall take effect July 1, 2007.

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:**

This committee substitute increases certain existing hunting, freshwater fishing and saltwater fishing fees for residents and non-residents. The Revenue Estimating Conference estimated the increase in hunting and fishing license fee revenues to the FWC to be \$5.2 million in fiscal year 2007-08 and \$10.6 million on a recurring basis.

B. Private Sector Impact:

The private sector will be expected to absorb the increase of expenditures incurred by FWC through the increase of recreational hunting, freshwater and saltwater fishing licenses.

Resident annual license holders would see an average increase of 11% - 29% for hunting, freshwater fishing and saltwater fishing.

Resident 5-year license holders would see an average increase of 23% - 29% for freshwater or saltwater fishing and hunting respectively.

Non-resident 3-day, 7-day and annual license holders would see an average increase of 34% - 68% for freshwater and saltwater fishing.

C. Government Sector Impact:

The bill will significantly increase the amount of revenue generated for the FWC under the donations and license revenues providing some relief from dependency on general appropriations. It also offers conformity to some of the licensing fee schedules by adopting similar fees for licenses.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

Barcode 752832 by Finance and Tax:

Changes the effective date from July 1, 2007, to October 1, 2007.

Barcode 251092 by Finance and Tax:

Provides that beginning July 1, 2012, the Florida Fish and Wildlife Conservation Commission may increase certain licenses and permit fees for residential and non-residential freshwater and saltwater fishing, and hunting, by rule based on the change in the Consumer Price Index published by the United States Department of Labor, and every 5 years thereafter.

(WITH TITLE AMENDMENT)