

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

**BILL:** CS/CS/SB 448

**INTRODUCER:** Appropriations Subcommittee on General Government and Environmental Preservation and Conservation Committee and Senator Dean

**SUBJECT:** Fish and Wildlife Conservation Commission

**DATE:** March 20, 2013      **REVISED:** \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Hinton  | Uchino         | EP        | Fav/CS |
| 2. | Betta   | DeLoach        | AGG       | Fav/CS |
| 3. |         |                | AP        |        |
| 4. |         |                |           |        |
| 5. |         |                |           |        |
| 6. |         |                |           |        |

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 448 amends several provisions related to the Fish and Wildlife Conservation Commission (FWC). The bill provides the following:

- Removes outdated references to federal boating navigation laws and replaces them with the current references.
- Amends recreational hunting and fishing license residency requirements by eliminating the requirement that an individual continuously reside in the state for six months in order to obtain a resident recreational hunting or fishing license. The required proof of Florida residency is provided by means of a valid Florida driver license or other specified document.
- Removes a requirement for resident saltwater fishermen to continuously reside in a Florida county for six months before obtaining a resident saltwater products license. The bill retains the requirement that a commercial fisherman reside in the state continuously for one year.
- Amends the definition of “resident alien” by eliminating the requirement that they continuously reside in a county for six months. To be a “resident alien” an individual still must continuously reside in the state for one year.

- Authorizes an exemption from the requirement to purchase a recreational hunting or fishing license to all persons participating in an FWC-permitted event where the primary purpose of the event is rehabilitation or enjoyment for disabled veterans or for active duty military personnel, military reservists, members of the Florida National Guard, members of the U.S. Coast Guard, and members of the U.S. Coast Guard Reserves.
- Authorizes the FWC to increase the total number of license-free recreational saltwater and freshwater fishing days from two to four, annually.
- Waives restricted species endorsement income requirements for one year to in order to provide assistance to veterans who wish to become commercial fishers.
- Defers the fee increase from 2013 to 2015 relating to vessel registrations and recreational hunting and fishing licenses.
- Changes the calculation methodology for fee increases to base the change on the Consumer Price Index over 5 years.
- Provides that the new fee amounts are automatically updated in the respective sections of Florida Statutes.

The fiscal impact to the state related to the license exemptions is projected by the FWC and the March 16, 2013, Revenue Estimating Impact Conference to be insignificant. The license exemptions included in the bill may decrease revenue; however, the decrease may be offset by individuals who participate in the licenses-exempted events and subsequently purchase hunting and fishing licenses.

The FWC estimated that delaying the fee increases until July 1, 2015, for vessel registration and recreational hunting would result in \$6.8 less in revenue collections annually.

The bill substantially amends the following sections of the Florida Statutes: 327.02, 379.101, 379.353, 379.354 and 379.361.

## **II. Present Situation:**

### **Navigation Rules**

There are two sets of navigation rules vessels must follow in the near and off shore waters of the state. Vessels operating inside the lines of demarcation, a line defined in the Code of Federal Regulations (C.F.R.)<sup>1</sup> and marked on most navigation charts, follow the United States Inland Navigation Rules. Vessels operating on the seaward side of the line of demarcation follow the International Navigational Rules, defined in United States Code (U.S.C.).

Pursuant to the International Navigation Rules Act of 1977, the United States adopted the International Regulations for Preventing Collisions at Sea to govern vessel conduct when operating on federal waters.<sup>2</sup> The rules also cover lights, shapes, and sound signals and are used

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<sup>1</sup> 33 C.F.R. part 80 provides detailed descriptions of the navigational lines of demarcation. They tend to be close to shore and are sometimes described using physical markers such as the tip of a jetty to the end of a pier.

<sup>2</sup> These regulations, known as COLREGS, are promulgated by the International Maritime Organization, a United Nations organization that has responsibility for the safety and security of shipping and the prevention of marine pollution by ships. <http://www.imo.org>. (last visited March 6, 2013). The Coast Guard enforces the COLREGS, referred to as the International Navigation Rules, in U.S. waters.

to ascertain fault in boating accidents. Inland navigation rules, for use on the landward side of the line of demarcation, are promulgated by the United States and are almost identical to the International Navigation Rules.

In 1988, Florida established the following definition of “navigational rules”, which included both the Inland and International Navigational Rules by reference, as they existed at the time:

‘Navigation rules’ means the International Navigational Rules Act of 1977, in effect on June 1, 1983, for vessels on waters outside of established navigational lines of demarcation as specified in Part 80 of Title 33 of the Code of Federal Regulations or the Inland Navigational Rules Act of 1980, in effect on December 24, 1981, for vessels on all waters not outside of such lines of demarcation.<sup>3</sup>

This was amended in 2000 so that the definition of “navigational rules” in former s. 327.02(23), F.S., meant:

[T]he International Navigational Rules Act of 1977, 33 U.S.C. appendix following s. 1602, as amended, including the annexes thereto, for vessels on waters outside of established navigational lines of demarcation as specified in 33 C.F.R. part 80 or the Inland Navigational Rules Act of 1980, 33 U.S.C. ss. 2001 et seq., as amended, including the annexes thereto, for vessels on all waters not outside of such lines of demarcation.<sup>4</sup>

Effective May 17, 2010, the Inland Navigation Rules were moved from the U.S.C. to the C.F.R. Consequently, s. 327.02(25), F.S., now refers to a section of the U.S.C. that no longer exists.

Law enforcement officers charge vessel operators operating unlawfully in state waters under s. 327.33, F.S., which references the “navigation rules” defined in s. 327.02(25), F.S. This section needs to be amended to correctly reference the federal rule for inland navigation. The reference to the International Navigational Rules Act, which governs vessel navigation outside the lines of demarcation, still refers to the correct section of the U.S.C.

### **Hunting and Fishing License Residency Requirements**

Part VI of ch. 379, F.S., specifically addresses licenses for recreational activities regulated by the FWC, and part VII addresses non-recreational (or commercial) licenses. Florida offers both resident and nonresident licenses for both recreational and commercial fishing and hunting activities.

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<sup>3</sup> Section 327.02(21), F.S., enacted in 1988 by SB 341, ch. 88-133, Laws of Florida.

<sup>4</sup> Former s. 327.02(23), F.S. (2005).

For the purposes of purchasing recreational hunting and fishing licenses, a resident is defined in s. 379.101(30)(b), F.S., as an individual who continuously resides in the state for a period of six months.

For the purposes of ch. 379, F.S., a “resident alien” is considered a “resident” and must provide documentation from the Bureau of Citizenship and Immigration Services to prove permanent residency in the United States.

For the purposes of purchasing commercial hunting and fishing licenses, a resident is defined in s. 379.101(30)(a), F.S., as an individual who continuously resides in the state for a period of one year and also continuously resides in a specific Florida county for six months. There is currently no mechanism for verifying a person’s length of county residency.

The state residency requirement is six months for the following non-recreational/commercial licenses:

- Freshwater fish dealers licenses;
- Haul seine and trawl permits;
- Fur and hide dealers licenses;
- Private game preserves and farms licenses;
- Private hunting preserve licenses;
- Licenses for capturing, keeping, possessing, transporting, or exhibiting venomous reptiles, reptiles of concern, conditional reptiles, or prohibited reptiles;
- Licenses for taking and possession of alligators;
- Exhibition or sale of wildlife;
- Personal possession of wildlife; and
- Tag fees for sale of Lake Okeechobee game fish.<sup>5</sup>

According to the FWC, the rationale for requiring license applicants to establish that they have continuously resided in Florida for six months in order to acquire a recreational hunting or fishing license is that it prevents temporary visitors in Florida from getting the benefit of a resident license.

Since Florida implemented changes associated with the Federal REAL ID Act of 2005,<sup>6</sup> beginning in 2010, U.S. citizens wishing to get a Florida driver license or Florida identification card must provide proof of identification, proof of a social security number, and proof of residential address.<sup>7</sup> Primary identification may be proved by providing one of the following:

- Original or certified copy of a United States birth certificate;
- Valid United States Passport or Passport Card;
- Consular Report of Birth Abroad;

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<sup>5</sup>Section 379.101(30)(b), F.S. *See* ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377, F.S.

<sup>6</sup> REAL ID Act of 2005, Pub. Law. No. 109-13, 109<sup>th</sup> Cong. (2005). Implemented in Florida by the Florida Department of Highway Safety and Motor Vehicles.

<sup>7</sup> Section 322.08(2)(a-c), F.S.

- Certificate of Naturalization, Form N-550 or Form N-570; or
- Certificate of Citizenship, Form N-560 or Form N-561.
- When necessary, marriage certificates, court orders, or divorce decrees must be provided to tie the name on the primary identification to the name the customer would like to place on the driver license or identification card.

Non-citizens must prove primary identification by providing one of the following:

- Valid, unexpired Permanent Resident Card (Green card, Form I-551);
- I-551 stamp in passport or on I-94;
- Immigration Judges Order, with the customer's A-number, granting asylum;
- I-797, with the customer's A-number, stating the customer has been granted asylum; or
- I-797 or another form from the Bureau of Citizenship and Immigration Services, with the customer's A-number, stating the customer's application for Refugee status is approved.

Proof of an applicant's social security number may be satisfied by providing one of the following:

- Social Security Card;
- W-2 form;
- Pay check;
- SSA-1099; or
- Any 1099.

If an applicant does not have a social security number, he or she has to provide a letter from the Social Security Administration indicating that a social security number was never issued to the applicant and one proof of identification from a list of acceptable documents.

Finally, applicants must supply two items that provide proof of a Florida residential address. Acceptable documents include a Florida voter registration card, a Florida vehicle registration or title, and a utility bill less than two months old.<sup>8</sup>

Federal agencies will continue to accept valid, unexpired but not yet Federal REAL ID-compliant Florida licenses or identification cards, for official purposes until December 1, 2014, for individuals born after December 1, 1964, and for others until December 1, 2017. After those dates, federal agencies will no longer accept a driver's license or identification card unless it is Real ID compliant.

The FWC's licensing system automatically accesses the Florida Department of Highway Safety and Motor Vehicles' (DHSMV) data when applicants apply for a recreational hunting or fishing license and provide their current customer numbers, their social security numbers, or their driver license numbers, in conjunction with their date of birth.

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<sup>8</sup> An exhaustive list of requirements to get a Florida Drivers License or identification card, including a full list of documents considered acceptable to prove ID in lieu of proof of a social security number and documents needed to prove Florida residential address, may be found at: <http://www.dmvflorida.org/drivers-license-identification.shtml> (last visited Feb. 11, 2013).

### **Disabled Veterans and Military Recreational Hunting and Fishing License Exemption**

Florida residents and visitors wishing to hunt or fish for sport and personal use of harvested fish and wildlife, as opposed to commercial uses, must purchase a recreational hunting, saltwater fishing, or freshwater fishing license<sup>9</sup> unless they qualify for one of the following exemptions:

- Any child under 16 years of age;
- Any person hunting or freshwater fishing on her or his homestead property, or on the homestead property of the person's spouse or minor child; or any minor child hunting or freshwater fishing on the homestead property of her or his parent;
- 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;
- Any resident fishing for recreational purposes only, within her or his county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism. This exemption does not apply to residents fishing in a legally established fish management area;
- Any person freshwater fishing in a fish pond of 20 acres or less that is located entirely within the private property of the fish pond owner;
- Any person freshwater fishing in a fish pond that is licensed in accordance with s. 379.356, F.S.
- Any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof;
- Any resident saltwater fishing from land or from a structure fixed to the land that has been determined eligible by the Department of Children and Family Services for the food assistance program, temporary cash assistance, or the Medicaid programs. A benefit issuance or program identification card issued by the Department of Children and Family Services or the Florida Medicaid program of the Agency for Health Care Administration shall serve as proof of program eligibility. The client must have in his or her possession the ID card and positive proof of identification when fishing;
- Any person saltwater fishing from a vessel licensed pursuant to s. 379.354(7), F.S.;
- Any person saltwater fishing from a vessel the operator of which is licensed pursuant to s 379.354(7), F.S.;
- Any person saltwater fishing who holds a valid saltwater products license issued under s 379.361(2), F.S.;
- Any person saltwater fishing for recreational purposes from a pier licensed under s. 379.354, F.S.;
- Any resident fishing for mullet in fresh water who has a valid Florida freshwater fishing license;
- Any resident 65 years of age or older who has in her or his possession proof of age and residency. A no-cost license under this paragraph may be obtained from any tax collector's

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<sup>9</sup> Recreational hunting and fishing licenses and permit fees may be found at: <http://myfwc.com/license/recreational/> (last visited February 11, 2013).

office upon proof of age and residency and must be in the possession of the resident during hunting, freshwater fishing, and saltwater fishing activities;

- Any employee of the commission who takes freshwater fish, saltwater fish, or game as part of employment with the commission, or any other person authorized by commission permit to take freshwater fish, saltwater fish, or game for scientific or educational purposes;
- Any resident recreationally freshwater fishing who holds a valid commercial fishing license issued under s. 379.363(1)(a), F.S.<sup>10</sup>

According to the FWC, there are about 225,000 active duty military personnel who claim Florida as their state of residence.<sup>11</sup> There were roughly 59,000 active duty military personnel and 39,000 military reservists living in Florida as of June 30, 2012. The FWC routinely receives requests from various veteran organizations to waive the requirement that their participants purchase a recreational hunting or fishing license when those participants are recreating or are rehabilitating military or disabled veterans.<sup>12</sup> Currently, the Commission does not have the authority to waive the licensing requirement.

### **Free Fishing Days**

Section 379.354(15), F.S., allows the FWC to designate two saltwater and two freshwater recreational fishing days per year, during which a recreational fishing license requirement is waived. All other laws regulating fishing, such as seasons, bag limits, and size limits, remain in effect for all anglers during the free fishing days.

The FWC cites several benefits to recreational license-free fishing days such as:

- They are an excellent way for Florida's residents and visitors to be introduced to the sport of saltwater and freshwater fishing;
- They create an immediate economic impact on the state by drawing tourists to Florida and by getting residents and visitors out on the water who travel, purchase fuel, stay in hotels, and buy fishing gear;
- Free fishing days create a long-term economic impact by introducing new participants to the sport of fishing, who may later buy fishing gear and boats, as well as encourage repeat visits to the state;
- License-free fishing days are a great way to emphasize the importance of outdoor recreation, conservation, and the economic benefits of recreational fishing in Florida.<sup>13</sup>

The FWC often designates license-free fishing days that fall on holiday weekends or that take place during a time of year where fishing opportunities are high and popular fish are available for harvest. Commission outreach events, as well as national media and public service announcements, are used to promote free fishing dates.<sup>14</sup>

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<sup>10</sup> Section 379.353(2), F.S.

<sup>11</sup> Military personnel stationed in Florida may claim Florida as their state of residency. They can continue to claim Florida residency even when they are subsequently stationed outside of Florida.

<sup>12</sup> FWC, *Senate Bill 448 Legislative Analysis* (2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

Recreational saltwater and freshwater fishing has a combined economic impact on Florida of more than \$8.3 billion and nearly 80,000 jobs. Currently, there are an estimated 1,286,000 residential saltwater anglers in the state; 716,000 out-of-state saltwater anglers; 1,155,000 residential freshwater anglers; and 262,000 out-of-state freshwater anglers.<sup>15</sup>

**Veterans Exemption from Commercial Fishing License Requirements**

In Florida, a saltwater products license (SPL) is required to commercially harvest or sell all saltwater products. Commercial harvest is defined by the FWC as harvest over the recreational bag limit, use of certain gear as authorized by law, or possession of more than 100 pounds per person per day of a species with no established bag limit. Possession of two or fewer fish with no established bag limit is not considered commercial harvest even if over 100 pounds.<sup>16</sup> A saltwater product is defined in statute as any species of saltwater fish, marine plant, or echinoderm, except shells, and salted, cured, canned, or smoked seafood.<sup>17</sup>

Florida offers three types of SPLs:<sup>18</sup>

- An individual SPL authorizes one individual person to engage in commercial fishing activities from the shore or a vessel. The Individual SPL is not tied to any one vessel and is issued in the individual’s name.
- A crew SPL is also issued in an individual’s name and authorizes the named individual to engage in commercial fishing activities from shore or a vessel. It also authorizes each person who is fishing with the named individual aboard a vessel to engage in such activities. This means the license holder can take a crew out on any vessel to harvest saltwater fish and the SPL covers the crew as well.
- A vessel SPL is issued to a valid commercial vessel registration number and authorizes each person aboard that registered vessel to engage in commercial saltwater fishing activities. Unlike the first two SPLs, the vessel SPL is tied to a vessel rather than a person.

The cost for each license:

| <b>SPL Type</b> | <b>Florida Resident</b> | <b>Non-Resident</b> | <b>Alien</b> |
|-----------------|-------------------------|---------------------|--------------|
| Individual      | \$50.00                 | \$200.00            | \$300.00     |
| Crew            | \$150.00                | \$600.00            | \$900.00     |
| Vessel          | \$100.00                | \$400.00            | \$600.00     |

In addition to an SPL, a restricted species endorsement (RS) is required to commercially harvest and sell the following species: amberjack, bluefish, cobia, dolphin, black drum, flounder, golden tilefish, most types of grouper, hogfish (hog snapper), jack, king and Spanish mackerel, mullet,

<sup>15</sup> *Id.*

<sup>16</sup> FWC, *Commercial Saltwater Product Licenses – Introduction*, <http://www.myfwc.com/license/saltwater/commercial-fishing/new-applicants/> (last visited Feb. 13, 2013).

<sup>17</sup> Section 379.101(36), F.S.

<sup>18</sup> Section 379.361(2)(e)1.-3., F.S.

permit fish, pompano, red porgy, rudderfish, sea bass, spotted seatrout, sheepshead, most types of snapper, tripletail, wahoo, blue crab, stone crab, spiny lobster, and most types of shrimp.<sup>19</sup>

There is no cost to acquire an RS. In order to receive one, however, licensed commercial fishermen must qualify by showing proof of landings (actual saltwater products harvested and brought to shore) reported under their SPLs that indicate either \$5,000 or 25 percent of their total annual income during one of the previous three years was attributable to reported landings and sales of saltwater products to a Florida wholesale dealer. Current exemptions from this rule are:

- A person age 62 or older must provide acceptable proof of \$2,500 in sales of saltwater products to a licensed wholesale dealer during any 12 consecutive months in the last 36 months;
- A person age 70 or older will be granted a permanent exemption to the income requirements if the applicant's license records show that the SPL was held three out of the last five years;
- A disabled resident must provide acceptable proof of disability from the Railroad Retirement Board, U.S. Department of Veterans Affairs, U.S. Armed Forces, Social Security Administration, or a licensed physician and must have held the SPL for three of the last five years prior to the date of disability;
- A military veteran must provide acceptable proof of income. However, active duty may be excluded when calculating the previous 36 months and will not be counted for purposes of determining qualifying time.
- Upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible to possess an RS, the purchaser is exempted from the income requirement for one year;
- If a person possessing an RS dies or becomes permanently disabled, an immediate family member who wishes to carry on the fishing operation is exempted from the income requirement for one year.<sup>20</sup>

During fiscal year 2011-2012, a total of 12,752 SPLs were issued in Florida. Of those, 9,191 had an RS.<sup>21</sup>

According to the Florida Department of Veterans Affairs, there are approximately 1,651,000 veterans residing in Florida. There are approximately 249,000 veterans with some percentage of disability rating from service-connected disabilities in Florida. There are approximately 223,000 Florida veterans of Operation Iraqi Freedom and Operation Enduring Freedom (post-September 11, 2001 missions) who list Florida as their home of record. Approximately 47 percent of Florida's veterans are over age 65.

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<sup>19</sup> FWC, *Commercial Food and Bait Species*, <http://www.myfwc.com/license/saltwater/commercial-fishing/restricted-species/> (last visited Feb. 13, 2013).

<sup>20</sup> FWC, *Qualifying for the Restricted Species Endorsement (RS)*, <http://myfwc.com/license/saltwater/commercial-fishing/qualifying-for-rs/> (last visited Feb. 13, 2013).

<sup>21</sup> FWC, *Senate Bill 448 Legislative Analysis* (2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

**Rule 68B-2.006, F.A.C.**

On November 11, 2012, the FWC promulgated Rule 68B-2.006, F.A.C. The rule provides assistance to certain military veterans who wish to become commercial fishermen and obtain the RS endorsement issued on an SPL by waiving the income requirement for one year.

The FWC was created by passage of Revision #5 to the Florida Constitution during the November 1998 General Election,<sup>22</sup> as implemented by the 1999 Regular Session of the Legislature. Since the adoption of the constitutional amendment, there has been some uncertainty and debate over how far the FWC’s constitutional authority reaches as it pertains to marine species. The Florida Supreme Court has provided some clarity,<sup>23</sup> but it is unclear whether the FWC has the authority under the Florida Constitution to adopt a rule exempting the income requirement for certain veterans, or if the FWC needs the Legislature to grant it the authority in statute in order for the rule to be effective.

**Vessel Registration and License Fees Scheduled Increases**

In 2008, ss.328.72(1)(b) and 379.354(1)(b), F.S., authorized fee increases on vessel registration and license fees to occur on July 1 every fifth year. The provisions require that, by February 1 of each year in which an adjustment is scheduled to occur, the FWC submit a report to the President of the Senate and the Speaker of the House of Representatives that details how the increase in fees will be used within the agency.

Based on input from the Legislature’s Office of Economic and Demographic Research (EDR), the FWC estimated that the following fees would increase effective on July 1, 2013, unless otherwise provided by general law.

| Vessel Registration Fees  | Current  | Last Adjusted | New Fee  |
|---|----------|---------------|----------|
| Class A-1—Less than 12 feet in length, and all canoes to which propulsion motors have been attached | \$5.50   | 07/01/2008    | \$6.11   |
| Class A-2—12 feet or more and less than 16 feet in length   | \$16.25  | 07/01/2008    | \$18.04  |
| Class 1—16 feet or more and less than 26 feet in length   | \$28.75  | 07/01/2008    | \$31.92  |
| Class 2—26 feet or more and less than 40 feet in length   | \$78.25  | 07/01/2008    | \$86.88  |
| Class 3—40 feet or more and less than 65 feet in length   | \$127.75 | 07/01/2008    | \$141.85 |
| Class 4—65 feet or more and less than 110 feet in length  | \$152.75 | 07/01/2008    | \$169.61 |
| Class 5—110 feet or more in length  | \$189.75 | 07/01/2008    | \$210.69 |
| Dealer registration certificate   | \$25.50  | 07/01/2008    | \$28.31  |

<sup>22</sup> See FLA. CONST. art. IV, s. 9.

<sup>23</sup> See *Caribbean Conservation Corp. v. Fla. Fish & Wildlife Conservation Comm’n., Inc.*, 838 So.2d 492 (Fla. 2003).

| <u>Resident Hunting and Fishing Licenses</u>                                  | <u>Current</u> | <u>Last Adjusted</u> | <u>New Fee</u> |
|---|----------------|----------------------|----------------|
| Annual freshwater fishing license   | \$15.50        | 10/01/2007           | \$17.70        |
| Annual saltwater fishing license  | \$15.50        | 10/01/2007           | \$17.70        |
| Annual hunting license to take game   | \$15.50        | 10/01/2007           | \$17.70        |
| Annual combination hunting and freshwater fishing license                     | \$31.00        | 10/01/2007           | \$35.40        |
| Annual combination freshwater fishing and saltwater fishing license           | \$31.00        | 10/01/2007           | \$35.40        |
| Annual combination hunting, freshwater fishing, and saltwater fishing license | \$46.50        | 10/01/2007           | \$53.10        |
| Annual sportsman's license  | \$79.00        | 10/01/2007           | \$90.22        |
| Annual sportsman's license for a resident 64 years of age or older            | \$12.00        | 07/01/1998           | \$17.21        |
| Annual gold sportsman's license   | \$98.50        | 10/01/2007           | \$112.48       |
| Annual military gold sportsman's license                                      | \$18.50        | 05/24/2005           | \$22.55        |
| Annual license to take fur-bearing animals (also non-resident)                | \$25.00        | 07/01/1966           | \$182.72       |

| <u>Nonresident Hunting and Fishing Licenses</u> | <u>Current</u> | <u>Last Adjusted</u> | <u>New Fee</u> |
|---|----------------|----------------------|----------------|
|---|----------------|----------------------|----------------|

|   |          |            |          |
|---|----------|------------|----------|
| Freshwater fishing license to take freshwater fish for 3 consecutive days | \$15.50  | 10/01/2007 | \$17.70  |
| Freshwater fishing license to take freshwater fish for 7 consecutive days | \$28.50  | 10/01/2007 | \$32.55  |
| Saltwater fishing license to take saltwater fish for 3 consecutive days   | \$15.50  | 10/01/2007 | \$17.70  |
| Saltwater fishing license to take saltwater fish for 7 consecutive days   | \$28.50  | 10/01/2007 | \$32.55  |
| Annual freshwater fishing license   | \$45.50  | 10/01/2007 | \$51.96  |
| Annual saltwater fishing license  | \$45.50  | 10/01/2007 | \$51.96  |
| Hunting license to take game for 10 consecutive days                      | \$45.00  | 10/01/2007 | \$51.39  |
| Annual hunting license to take game                                       | \$150.00 | 07/01/1989 | \$291.91 |

### **Projected Revenue Increases**

The FWC estimated that state revenues would increase approximately \$6.8 million in Fiscal Year 2013-14 if the scheduled fee increases are allowed to go into effect. The projected vessel registration revenue increase is based on the December 7, 2012, EDR revenue estimating conference. The license fee revenue increases are calculated using projected unit sales, modified by a possible consumer reaction to not buy a license after a fee increase (protest effect), and multiplied by the increase in the fee. The protest effect factor is based on a 2006 study which anticipated a more pessimistic outcome than actually occurred in 2007.

|                             |                |
|-----------------------------|----------------|
| Vessel Registration         | \$2,343,606.00 |
| Hunting Licenses            | \$659,216.02   |
| Freshwater Fishing Licenses | \$1,046,756.83 |
| Saltwater Fishing Licenses  | \$2,723,651.79 |
|                             | \$6,773,230.64 |

### III. Effect of Proposed Changes:

**Section 1** amends s. 327.02, F.S., to remove an outdated reference to federal law and to insert the proper reference. The bill will ensure continued enforceability of the statute by including a reference to the federal law in effect on October 1, 2012. The bill will not change the way any vessels or vessel-related activities are currently being enforced in state waters under the current statute.

**Section 2** amends s. 328.72, F.S., to defer the implementation of the automatic fee increases to vessel registration fees from 2013 to 2015 and clarifies that the fees shall be adjusted by being multiplied by a growth factor “calculated as the annual average Consumer Price Index for the calendar year preceding the adjustment year divided by the annual average Consumer Price Index for the calendar year 6 years before the adjustment year”.

The bill also identifies the specific source of the adjustment factor to be “the not seasonally adjusted Consumer Price Index for All Urban Consumers, U.S. city average, all items, as initially reported by the United States Department of Labor, Bureau of Labor Statistics.” The fee adjustments are rounded to the nearest 50 cents.

Additionally, the Legislature’s Division of Law Revision and Information is directed to update the fees in their respective subsections to reflect the new amounts.

The bill clarifies that the vessel registration fee adjustment applies to the total fee and not the county portion.

**Section 3** amends s. 379.101, F.S., to allow individuals to purchase a Florida resident recreational hunting or fishing license without having to continuously reside in the state for six months upon submission of a valid Florida driver license or identification card with a Florida address, verified by the Department of Highway Safety and Motor Vehicles. In the absence thereof, the bill lists four other ways to verify Florida residency:

- A current Florida voter information card;
- A sworn statement manifesting and evidencing domicile in Florida in accordance with s. 222.17, F.S.;
- A current Florida homestead exemption; or

- For a child younger than 18, a driver license or identification card, a student identification card from a Florida school, or, when accompanied by his or her parent at the time of purchase, the parent's proof of residency.

The bill alters the definition of resident to eliminate the requirement that those persons applying for a resident commercial saltwater fishing license must reside continuously in a certain Florida county for six months. The requirement to reside continuously in Florida for one year is retained.

For the purposes of ch. 379, F.S., resident aliens are currently treated as residents. The bill eliminates the requirement for a resident alien to continuously reside in a certain Florida county for six months. The requirement that resident aliens must reside in Florida continuously for one year is retained.

**Section 4** amends s. 379.353, F.S., to provide an exemption from the requirement to purchase a recreational hunting or fishing license to all persons participating in a Commission-permitted event where the primary purpose of the event is for the rehabilitation or enjoyment of disabled veterans and active duty military personnel, reservists, Florida National Guard, U.S. Coast Guard members, and members of the U.S. Coast Guard Reserves.

The bill provides an exemption from the license requirement for "immediate family members," defined as parents, spouses and children, of active duty military and reservists and disabled veterans who participate in Commission-permitted events where the primary purpose of the event is for the rehabilitation or enjoyment of disabled veterans, active duty military personnel and reservists. The bill also allows an exemption for one additional person designated to assist each veteran certified to be a disabled veteran.

The bill provides a list of factors for the FWC to consider when deciding whether to issue a permit for an event where the primary purpose of the event is for the rehabilitation or enjoyment of disabled veterans, active duty military personnel and reservists. The FWC is authorized to promulgate rules to implement this subsection.

**Section 5** amends s. 328.72, F.S., to defer the implementation of the automatic fee increases for recreational hunting and fishing license fees from 2013 to 2015 and clarifies that the fees shall be adjusted by being multiplied by a growth factor "calculated as the annual average Consumer Price Index for the calendar year preceding the adjustment year divided by the annual average Consumer Price Index for the calendar year 6 years before the adjustment year".

The bill also identifies the specific source of the adjustment factor to be "the not seasonally adjusted Consumer Price Index for All Urban Consumers, U.S. city average, all items, as initially reported by the United States Department of Labor, Bureau of Labor Statistics." The fee adjustments are rounded to the nearest 50 cents.

Additionally, the Legislature's Division of Law Revision and Information is directed to update the fees in their respective subsections to reflect the new amounts.

**Section 6** amends s. 379.354, F.S., to provide statutory authority for the FWC to offer a total of four license-free recreational saltwater fishing days and four license-free recreational freshwater fishing days to the public.

**Section 7** amends s. 379.361, F.S., to clarify the term “1 year” to mean a “complete license year” for the RS income requirement for those purchasing a used commercial fishing vessel, or for an immediate family member carrying on the fishing operation for the family member possessing the RS who has died or has become permanently disabled.

The bill clarifies that upon the sale of a used commercial fishing vessel owned by a person, firm, or corporation possessing or eligible to possess an RS, the purchaser is exempted from the income requirement for a complete license year. The bill clarifies that when a person possessing an RS dies or becomes disabled, an immediate family member wishing to carry on the fishing operation shall be exempted from the income requirement for a complete license year.

The bill waives the income requirement to acquire an RS for one complete license year for any honorably discharged resident military veteran that is certified to have at least a 10 percent service-connected disability by the U.S. Department of Veterans Affairs or any branch of the U.S. Armed Forces. In subsequent years, veterans must document that at least \$2,500 (half the current requirement of \$5,000) of their income is attributable to the sale of saltwater products in order to renew the RS. The first-year exemption may only be applied one time per military enlistment.

The bill provides a waiver of the income requirement to acquire an RS for a complete license year until June 30, 2014, to all resident military veterans honorably discharged between September 11, 2001, and June 30, 2014, from any branch of the U.S. Armed Forces, the reserves, the Florida National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserves. The waiver would be allowed on the RS endorsement on individual or crew SPLs, but not on vessel SPLs. The first year exemption may be applied only one time per military enlistment. After the first year, the veteran with the endorsement would be subject to the normal RS renewal requirements.

The bill provides a waiver of the income requirement to acquire an RS for a complete license year, beginning July 1, 2014, to all resident military veterans who apply for an RS within four years after being honorably discharged from any branch of the U.S. Armed Forces, the reserves, the Florida National Guard, the U.S. Coast Guard, or the U.S. Coast Guard Reserves. The waiver would be allowed on the RS endorsement on individual or crew SPLs, but not on vessel SPLs. The first year exemption may be applied only one time per military enlistment. After the first year, the veteran with the endorsement would be subject to the normal RS renewal requirements.

**Section 8** provides an effective date of July 1, 2013.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

**Section 2** defers the implementation of the automatic fee increase for vessel registration fees from 2013 to 2015.

**Section 4:** Active-duty military personnel and reservists, members of the Florida National Guard, members of the U.S. Coast Guard and U.S. Coast Guard Reserves, and disabled veterans, as well as immediate family members of those participating in the event and those attending in aid of disabled veterans, are exempted from having to purchase a hunting or fishing license for the FWC-permitted event.

**Section 5:** Defers the implementation of the automatic fee increases for recreational hunting and fishing license fees from 2013 to 2015.

B. Private Sector Impact:

**Section 3:** According to the FWC, those wishing to purchase a resident recreational fishing or hunting license but who are not eligible because they have not established their Florida residency for six months or more, will see a positive fiscal impact of the difference between the cost of a resident and nonresident license.

**Section 4:** According to the FWC, active duty military personnel, reservists, members of the Florida National Guard, the U.S. Coast Guard, the U.S. Coast Guard Reserves and disabled veterans participating in FWC-permitted hunting and fishing events for the enjoyment of active duty personnel disabled veterans, along with immediate family members and a single individual assisting a disabled veteran at the event, will be exempted from having to purchase a license for that specific event.

**Section 6:** The FWC anticipates that expanding the number of license free fishing days will have a positive but indeterminate economic impact related to the increased number of visitors to Florida.

**Section 7:** According to the FWC, there could be a positive fiscal impact, in the form of income, on veterans who enter the commercial fishing industry. On the other hand, there is a potential for a negative fiscal impact to income on current commercial fishermen holding an RS due to increased competition this section may create. The effects cannot be determined at this time.

C. **Government Sector Impact:**

**Section 2:** The loss of fee revenue to the FWC relating to the deference of vessel registration fee adjustment from 2013 to 2015 are estimated at \$2,343,606.

**Section 3:** The loss of fee revenue to the FWC is indeterminate as an increase in the number of licenses issued may offset the reduction.

**Section 5:** The loss of fee revenue to the FWC relating to the deference of recreational hunting and fishing fee adjustments from 2013 to 2015 are estimated at \$4,429,624.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

According to the FWC, when a person applies to the DHSMV to get a driver license or identification card, the DHSMV requires proof of residency in Florida. There may be situations in which a person who is not a valid resident (meaning they cannot provide the necessary proof of residency) would still be issued a driver license or identification card. Though the card itself may not indicate that the individual is not a resident of Florida, the DHSMV's records would. Since FWC's licensing system is linked to the DHSMV's records, the fact that a person is not a resident of Florida would be ascertainable, not from the driver license or identification card provided, but by the DHSMV's records connected with that license or identification card.<sup>24</sup>

There have been discussions between the Joint Administrative Procedures Committee and the FWC concerning the FWC's authority to amend the income requirement by rule. This bill gives the FWC clear legislative authority to adjust such requirements.

VIII. **Additional Information:**

A. **Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS/CS by Appropriations Subcommittee on General Government on March 19, 2013:**

The CS/CS defers the implementation of the automatic fee increases for vessel registration fees and recreational hunting and fishing license fees required by ss.328.72(1)(b) and 379.354(1)(b), F.S. from 2013 to 2015.

The CS/CS clarifies that the fees be adjusted by being multiplied by a growth factor “calculated as the annual average Consumer Price Index for the calendar year preceding the adjustment year divided by the annual average Consumer Price Index for the calendar year 6 years before the adjustment year”.

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<sup>24</sup> FWC, *Senate Bill 448 Legislative Analysis* (2013)(on file with the Senate Committee on Environmental Preservation and Conservation).

The CS/CS identifies the specific source of the adjustment factor to be “the not seasonally adjusted Consumer Price Index for All Urban Consumers, U.S. city average, all items, as initially reported by the United States Department of Labor, Bureau of Labor Statistics.”

The CS/CS provides for the fee adjustments to be rounded to the nearest 50 cents and directs the Legislature’s Division of Law Revision and Information to update the fees in their respective subsections to reflect the new amounts.

The CS/CS clarifies that the vessel registration fee adjustment applies to the total fee and not the county portion and clarifies that the agency’s role in determining the use of the fee increases is that of making a request.

**CS by Environmental Preservation and Conservation on March 7, 2013:**

The CS makes a Florida driver license or identification card, with both a Florida address and residency verified by the Florida Department of Highway and Motor Vehicles, the primary method of verifying residency. If that is not available, the CS provides four other methods of verifying residency.

The CS adds the National Guard Reserves to the list of military branches whose members are exempted from the requirement to purchase a license for hunting or fishing events permitted by the Commission for the rehabilitation or enjoyment of veterans with service connected disabilities and/or active duty service members.

The CS exempts immediate family members of veterans or active duty personnel, and one additional person to assist each disabled veteran, from having to possess a saltwater or freshwater fishing or a hunting license when attending a Commission-permitted hunting or fishing event for the rehabilitation or enjoyment of veterans with service connected disabilities and/or reservists and active duty service members.

The CS defines “immediate family members” as parents, spouses and children of the active duty member or disabled veteran.

The CS provides several factors for the Commission to consider when deciding whether to issue a permit for a hunting or fishing event for the enjoyment or rehabilitation of reserve or active duty military personnel, reserve or active duty U.S. Coast Guard personnel, and disabled veterans.

The CS adds the National Guard Reserves to the list of military branches whose members are not required to provide documentation for the income requirement with his or her initial application for an RS.

The CS contains conforming language to make it identical to HB 333.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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