

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 Committee on Transportation

BILL: CS/SB 158

INTRODUCER: Transportation Committee and Senator Hutson

SUBJECT: Identification Cards and Driver Licenses

DATE: October 8, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 158 provides that an individual who holds a lifetime fishing, hunting, or sportsman's license, or a lifetime boater safety identification card may pay a fee of \$1 to have a symbol displaying that lifetime status added to the individual's driver license or identification card when the driver license or identification card is being issued, which can be used as proof of possession of the lifetime license or card.

An individual who surrenders and replaces his or her driver license or identification card before its expiration date with the sole purpose to include the applicant's status as a lifetime fishing, hunting, or sportsman licensee holder, or lifetime boater safety cardholder is required to pay a \$2 fee for the license or card instead of the \$25 replacement fee.

II. Present Situation:

Designations on Driver Licenses or Identification Cards

Currently, the only designation an individual may pay an additional fee for to be placed on his or her driver license or identification card is a "V" for a veteran.¹ The designation is available at the request of a military veteran who presents proof of military service and pays an additional \$1 fee when the card or license is being issued or renewed, or pays a \$2 fee for a replacement. The

¹ See ss. 322.051(8)(b) and 322.14(1)(c), F.S.

\$2 fee covers the \$1.97 cost of the card stock.² If the applicant is not conducting any other transaction affecting the license or card, the replacement may be issued without payment of the \$25 renewal fee. A veteran may be issued a driver license or identification card that displays “Veteran” instead of “V” upon implementation of the new design for the driver license and identification card by the Department of Highway Safety and Motor Vehicles (DHSMV).³

Other states, such as New York and West Virginia, allow symbols on driver licenses and identification cards to represent that an individual holds a certain hunting or fishing license.⁴

Replacement Driver Licenses and Identification Cards

A replacement Class E driver license is \$25. If the replacement license is issued by the tax collector, \$7 is retained by the tax collector, otherwise the \$7 is deposited into the Highway Safety Operating Trust Fund. The remaining \$18 is deposited into the General Revenue Fund.⁵

A replacement identification card is \$25. If the replacement card is issued by the tax collector, \$9 is retained by the tax collector, otherwise the \$9 is deposited into the Highway Safety Operating Trust Fund. The remaining \$16 is deposited into the General Revenue Fund.⁶

Section 322.19, F.S., requires a person to obtain a replacement license reflecting changes to their legal residence or address within 10 days of the change. Generally, an individual who replaces his or her driver license or identification card to display changes such as a name change, address change, or organ donor designation must pay the \$25 fee to receive a replacement.

Recreational Lifetime Hunting and Fishing Licenses

The Florida Fish and Wildlife Conservation Commission (FWC) issues recreational fishing, and hunting licenses for the State of Florida, as well as boater safety identification cards.

Every person, unless exempt as provided in s. 379.353, F.S., taking game, fish, or fur-bearing animals within this state is required to have a hunting or fishing license, permit, or authorization number authorizing that activity.⁷ The license, permit, or authorization number must be in the personal possession of the person to whom it was issued while that person is taking, attempting to take, or possessing game, fish, or fur-bearing animals.⁸

Lifetime hunting and fishing licenses are only available to Florida residents, and are valid from the date they are issued until the death of the individual to whom the license is issued, unless

² Department of Highway Safety and Motor Vehicles, *HB 83/SB 158 Agency Bill Analysis* (Sept. 24, 2015) (on file with the Senate Committee on Transportation).

³ Section 4, ch. 2015-85, Laws of Fla.

⁴ See West Virginia Division of Natural Resources, <http://www.wvdnr.gov/2015news/15news017.shtm> and New York State Department of Environmental Conservation, <http://www.dec.ny.gov/permits/6099.html> (last visited Oct. 1, 2015).

⁵ Section 322.21(1)(e), F.S.

⁶ Section 322.21(1)(f)3., F.S.

⁷ Section 379.354(1), F.S.

⁸ Section 379.354(2), F.S.

revoked.⁹ Currently, more than 42,400 people possess a lifetime license and more than 2,600 hold two or more lifetime licenses.¹⁰

Resident Lifetime Freshwater or Saltwater Fishing Licenses¹¹

Lifetime fishing licenses are available to residents for a fee of:

- \$125 for persons age 4 or younger;
- \$225 for persons age 5 to 12; and
- \$300 for persons age 13 or older.

As of August 2015, the FWC has 2,861 active lifetime freshwater fishing licenses.¹² A lifetime freshwater fishing license also allows all activities authorized by a management area permit¹³, excluding hunting.

As of August 2015, the FWC has 18,314 active lifetime saltwater fishing licenses.¹⁴ A lifetime saltwater fishing license also allows the license holder to take or possess snook and spiny lobster.

Resident Lifetime Hunting Licenses¹⁵

As of August 2015, the FWC has 1,578 active lifetime hunting licenses.¹⁶ Lifetime hunting licenses are available to residents for a fee of:

- \$200 for persons age 4 or younger;
- \$350 for persons age 5 to 12; and
- \$500 for persons age 13 or older.

In addition to authorizing the take or attempted take or possession of game animals¹⁷, a lifetime hunting license also allows all activities authorized by a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, an archery season permit, a Florida waterfowl permit, a deer permit, and a management area permit, excluding fishing.

Resident Lifetime Sportsman's Licenses¹⁸

As of August 2015, the FWC has 22,409 active lifetime Sportsman's licenses.¹⁹ A Lifetime Sportsman's license provides individuals with the same authorizations as having a lifetime

⁹ As provided for in ss. 379.401 or 379.404, F.S.

¹⁰ Florida Fish and Wildlife Conservation Commission, *Senate Bill 158 Agency Bill Analysis* (Sept. 4, 2015) (on file with the Senate Committee on Transportation).

¹¹ Section 379.354(10), F.S.

¹² DHSMV Agency Analysis, *supra* note 2

¹³ Section 379.354(8)(g), F.S., provides that a management area permit holder may hunt on, fish on, or otherwise use for outdoor recreational purposes land owned, leased, or managed by the commission, or by the state for the use and benefit of the commission.

¹⁴ DHSMV Agency Analysis, *supra* note 2

¹⁵ Section 379.354(11), F.S.

¹⁶ DHSMV Agency Analysis, *supra* note 2

¹⁷ As defined in s. 379.101(20), F.S., "Game" means deer, bear, squirrel, rabbits, and, where designated by commission rules, wild hogs, ducks, geese, rails, coots, gallinules, snipe, woodcock, wild turkeys, grouse, pheasants, quail, and doves.

¹⁸ Section 379.354(12), F.S.

¹⁹ DHSMV Agency Analysis, *supra* note 2

freshwater fishing license, a lifetime saltwater fishing license, *and* a lifetime hunting license. A lifetime sportsman's license is available to residents for a fee of:

- \$400 for persons age 4 or younger;
- \$700 for persons age 5 to 12; and
- \$1,000 for persons age 13 or older.

Boater Safety Identification Cards²⁰

A person born on or after January 1, 1988, and who is operating a boat powered by a motor of more than 10 horsepower, must have in his or her possession a boater safety identification card, acquired from the FWC for completing approved boater safety education. A person is exempt from this requirement if he or she:

- Is licensed by the Coast Guard to serve as a master of a vessel;
- Is operating a vessel only on a private lake or pond;
- Is accompanied on the boat by a person who is at least 18 years of age, who is exempt or who has complied with the requirement, and is attendant to the operation of the vessel and responsible for the safe operation of the vessel and for any violation that occurs while it is being operated;
- Is a nonresident who has in his or her possession proof of completion of a boater education course or equivalency examination in another state which meets or exceeds Florida's requirements;
- Is operating a vessel within 90 days of purchase with a valid bill of sale; or
- Is operating a vessel within 90 days of completing the boater safety education course and has valid photo identification as well as the boater safety completion certificate in his or her possession.

Any person, regardless of age, may complete the boater safety education course, and all who do so will be issued a boater safety identification card. A boater safety identification card issued to a person who has completed a boater education course or a course equivalency examination is valid for life. More than 441,000 people hold Florida boater safety identification cards.²¹

III. Effect of Proposed Changes:

Sections 1 and 2 of the bill allow an individual who holds and presents a lifetime freshwater fishing license, a lifetime saltwater fishing license, a lifetime hunting license, a lifetime sportsman's license, or a lifetime boater safety identification card, for a fee of \$1, to have a symbol displaying that lifetime status voluntarily added to his or her driver license or identification card when the driver license or identification card is being issued.

An individual who surrenders and replaces his or her driver license or identification card with the sole purpose to include his or her status as a lifetime fishing, hunting, or sportsman's licensee holder or a lifetime boater safety cardholder is required to pay a \$2 fee that will be deposited into the Highway Safety Operating Trust Fund. The replacement license or card is not subject to the \$25 replacement fee required by s. 322.21(1), F.S.

²⁰ Section 327.395, F.S.

²¹ FWC Analysis, *supra* note 10.

The bill also makes a technical change to ensure the issuance of a replacement driver license or identification card *shall*, rather than *may*, be issued with the word “Veteran” without paying the \$25 replacement fee. This aligns with the DHSMV’s current practice.²²

Sections 3 and 4 allow the state-issued identification card or driver license displaying the lifetime designation to be used as proof of possession of that lifetime license or card.

Section 5 provides that the changes made to the driver license and identification card by this bill will apply upon implementation of new designs for the driver license and identification card by the DHSMV.

The bill takes effect July 1, 2016.

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:

None.

B. Private Sector Impact:

Under CS/SB 158, individuals requesting lifetime hunting, fishing, or sportsman’s license, or lifetime boater safety identification card designations must pay an additional \$1 fee when being issued a driver license or identification card. An individual who surrenders and replaces his or her driver license or identification card with the sole purpose of adding such designations may pay a \$2 fee, instead of the \$25 replacement fee.

C. Government Sector Impact:

The additional \$1 fee may have a positive fiscal impact on the DHSMV. However, it is unknown how many individuals may apply for the designations. Additionally, the bill

²² DHSMV Agency Analysis, *supra* note 2

may have a negative fiscal impact to the General Revenue Fund and the Highway Safety Operating Trust Fund or tax collector due to an individual being able to replace his or her identification card or driver license without payment of the \$25 replacement fee, if the sole intention is to add the designation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unclear how a suspension or revocation of either an individual's driver license or one or more of the other relevant licenses would be accommodated.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.051, 322.14, 327.395, and 379.354.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on October 8, 2015:

The CS requires the DHSMV to include symbols on the identification card or driver license representing the lifetime recreational license or card instead of specified language or abbreviations. The CS adds that the identification card or driver license displaying such symbol is a valid proof of possession of the indicated lifetime card or recreational license. Additionally, the CS adds that the changes made by the bill to the identification card and driver license will apply upon implementation of new designs for the driver license and identification card by the DHSMV.

- B. **Amendments:**

None.