

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 83 Identification Cards and Driver Licenses

SPONSOR(S): Santiago

TIED BILLS: **IDEN./SIM. BILLS:** SB 158

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	13 Y, 0 N	Cobb	Davis
3) Economic Affairs Committee	15 Y, 0 N	Whittaker	Pitts

SUMMARY ANALYSIS

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to notate on the identification card or driver license the applicant's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or lifetime boater safety identification card holder issued by the Florida Fish and Wildlife Conservation Commission (FWC).

Upon proof of an individual's status as a lifetime licensee or card holder the Department of Highway Safety and Motor Vehicles shall include symbols on the identification card or driver license representing the below:

- If the applicant holds a lifetime freshwater fishing license;
- If the applicant holds a lifetime saltwater fishing license;
- If the applicant holds a lifetime hunting license;
- If the applicant holds a lifetime sportsman license; or
- If the applicant holds a lifetime boater safety education card.

The DHSMV is authorized to collect an additional \$1 fee to add the lifetime licensee or cardholder status when issuing an original identification card or driver license.

An individual who surrenders and replaces his or her identification card or driver license before its expiration date with the sole purpose to include the individual's status as a lifetime licensee or card holder is required to pay a \$2 fee for the card or license and the \$25 replacement fee will be waived.

The bill also provides that the state-issued identification card or driver license displaying the lifetime designation is valid proof of the indicated lifetime card or recreational license.

According to DHSMV, the bill will have a significant negative fiscal impact to state funds. See fiscal comments.

An effective date of July 1, 2016 is provided in the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Driver License/Hunting and Fishing License Pilot Project¹

Beginning in 2014, the FWC began a pilot project which links a person's Florida driver license or identification card with the recreational hunting and fishing license database. FWC is actively using an in-house web based query function that allows staff to query the status of different permits and licenses issued by FWC by entering a driver license number or by swiping the license through a peripheral magnetic card reader. This function is available to all FWC employees using computers connected to the FWC Network and can also be used by Division of Law Enforcement officers in the field to determine all valid licenses held by an individual.

If an FWC officer does not have access to their mobile computer they can relay the driver license information to a dispatcher via radio to query the database and return confirmation of valid license status. FWC also accepts the presentation of a license "image" via a smart phone device as a valid alternative.

Recreational Lifetime Hunting and Fishing Licenses, Boater Safety Identification Cards

The Florida Fish and Wildlife Conservation Commission (FWC) issues lifetime licenses to Florida residents for freshwater fishing, saltwater fishing, and hunting, 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.² The license, permit, or authorization number must 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.³

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, even if the license holder moves out of the state, unless revoked.⁴ A recreational license may be suspended for a period ranging from 1-3 years if the license holder is convicted of certain Level Two or Level Three offenses as outlined in s.379.401, F.S..

As of August 2015, FWC had the following "active" lifetime licenses and cards on file:

Lifetime Freshwater Fishing Licenses	2,861
Lifetime Saltwater Fishing Licenses	18,314
Lifetime Hunting Licenses	1,578
Lifetime Sportsman Licenses	22,409
Lifetime Boater Safety Id Card	<u>441,000</u>
Total:	<u>486,162</u> ⁵

Lifetime Freshwater or Saltwater Fishing License⁶

¹ Fish and Wildlife Conservation Commission, *Driver License/Hunting & Fishing License Pilot Project Update – 10/2015* (Oct. 5, 2015) (On file with the Economic Affairs Committee).

² s. 379.354(1), F.S.

³ s. 379.354(2), F.S.

⁴ ss. 379.401 or 379.404, F.S.

⁵ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2016 House Bill 83, p.3 (Sept. 4, 2015) (on file with the Economic Affairs Committee).

⁶ s. 379.354(10), F.S.

In addition to authorizing the take or attempted take or possession of freshwater fish, a lifetime freshwater fishing license authorizes all activities included with a wildlife management area permit, except hunting.

In addition to authorizing the take or attempted take or possession of saltwater fish, a lifetime saltwater fishing license authorizes all activities included with snook and spiny lobster permits.

Lifetime fishing licenses are available to Florida 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.

Lifetime Hunting License⁷

In addition to authorizing the take or attempted take or possession of game animals, a lifetime hunting license authorizes all activities included with Deer, Wildlife Management Area, Archery, Muzzleloading Gun, Crossbow, Turkey and Florida Waterfowl permits.

Lifetime hunting licenses are available to residents of Florida 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.

Lifetime Sportsman License⁸

In addition to authorizing the take or attempted take or possession of freshwater fish, saltwater fish, and game animals, a lifetime sportsman's license authorizes all activities included with Deer, Wildlife Management Area, Archery, Muzzleloading Gun, Crossbow, Turkey, Florida Waterfowl, Snook and Lobster permits.

Lifetime sportsman licenses are available to residents of Florida 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 Card⁹

Any person in Florida who was 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 their possession a boater safety identification card, acquired from FWC for successfully completing approved boater safety education, as well as a valid for of photo identification. A person is exempt from this requirement if he or she:

- Is licensed by the U.S. Coast Guard as a master of a vessel.
- Is operating a vessel on a private lake or pond;
- Is accompanied on the vessel by a person who is least 18 years of age, who is exempt or who has complied with the requirement, provided that person is attendant to and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel;
- Is a nonresident who has in his or her possession proof that he or she has completed a boater education course or equivalency examination from another state which meets or exceeds Florida's requirements;
- Is operating a vessel within 90 days after the purchase of that vessel with a valid bill of sale; or
- Is operating a vessel within 90 days of completing an approved boating safety course and has valid photo identification and a boater education course completion certificate in his or her possession.

⁷ s. 379.354(11), F.S.

⁸ s. 379.354(12), F.S.

⁹ s. 327.395, F.S.

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 valid for life.

Effect of Proposed Changes

Sections 1 and 2:

The bill amends ss. 322.14 and 322.051, F.S. requiring the Department of Highway Safety and Motor Vehicles (DHSMV) to notate on the identification card or driver license the applicant's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or lifetime boater safety identification card holder issued by the Florida Fish and Wildlife Conservation Commission (FWC).

Upon proof of an individual's status as a lifetime licensee or card holder the Department of Highway Safety and Motor Vehicles shall include symbols on the identification card or driver license representing the below:

- If the applicant holds a lifetime freshwater fishing license;
- If the applicant holds a lifetime saltwater fishing license;
- If the applicant holds a lifetime hunting license;
- If the applicant holds a lifetime sportsman license; or
- If the applicant holds a lifetime boater safety education card.

The DHSMV is authorized to collect an additional \$1 fee to add the lifetime licensee or cardholder status when issuing an original identification card or driver license.

An individual who surrenders and replaces his or her identification card or driver license before its expiration date with the sole purpose to include the individual's status as a lifetime licensee or card holder is required to pay a \$2 fee for the card or license and the \$25 replacement fee will be waived.

In addition, the bill makes a technical change to ss. 322.051 and 322.14, F.S. to ensure the issuance of a replacement identification card or driver license *shall*, rather than *may*, be issued with the word "Veteran" without paying the \$25 replacement fee. This aligns with the DHSMV's current practice.¹⁰

Sections 3 and 4:

The bill amends ss. 327.395 and 379.354, F.S., providing that the state-issued identification card or driver license displaying the lifetime designation is valid proof of the indicated lifetime card or recreational license.

Section 5:

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

B. SECTION DIRECTORY:

Section 1 Amends s. 322.051, F.S., providing for a person's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license upon payment of an additional fee and presentation of the person's lifetime freshwater fishing, saltwater fishing, hunting, or sportsman's license or boater safety identification card; providing a waiver of the replacement fee in certain circumstances.

Section 2 Amends s. 322.14, F.S., providing for a person's status as a lifetime freshwater fishing, saltwater fishing, hunting, or sportsman licensee, or boater safety identification cardholder, to be indicated on his or her identification card or driver license upon

¹⁰ DHSMV Agency Analysis, *supra* note 5.

payment of an additional fee and presentation of the person's lifetime freshwater fishing, saltwater fishing, hunting, or sportsman's license or boater safety identification card; providing a waiver of the replacement fee in certain circumstances.

Section 3 Amends s.327.395, F.S., prohibiting a person born on or after a certain date from operating a certain vessel unless such person has in his or her possession aboard the vessel photographic identification and a boater safety identification card or a state-issued identification card or driver license which meets certain requirements.

Section 4 Amends s. 379.354, F.S., requiring each state-issued identification card or driver license indicating possession of certain recreational licenses to be in the personal possession of the person to whom such license is issued while the person is taking, attempting to take, or possessing game, freshwater or saltwater fish, or fur-bearing animals.

Section 5 Provides applicability.

Section 6 Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill has an indeterminate fiscal impact to revenue.

The additional \$1 fee may have a positive fiscal impact to DHSMV, although it is unknown how many individuals may apply for the designation upon original issuance of an identification card or driver license.

There may be a negative but indeterminate 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.

The Revenue Estimating Conference has not estimated the fiscal impact of the bill at this time.

2. Expenditures:

DHSMV estimates 826 programming hours would be required for implementation at an estimated cost of \$64,840 in FTE and contracted resources.¹¹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals can have their status as a lifetime licensee or cardholder indicated on his or her identification card or driver license upon payment of an additional \$1 when being issued an original identification card or driver license.

¹¹ DHSMV Agency Analysis, *supra* note 5, p. 5.

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

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

It is unclear how a suspension or revocation of an individual's lifetime hunting or fishing license would be accommodated if reflected on his or her identification card or driver license.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On October 20, 2015, The Highway and Waterway Safety Subcommittee adopted a strike all amendment to HB 83 and the reported the bill favorably as a committee substitute. The strike all provided that:

- Upon proof of an individual's status as a lifetime licensee or card holder the Department of Highway Safety and Motor Vehicles shall include symbols on the identification card or driver license representing the below:
 - If the applicant holds a lifetime freshwater fishing license;
 - If the applicant holds a lifetime saltwater fishing license;
 - If the applicant holds a lifetime hunting license;
 - If the applicant holds a lifetime sportsman license; or
 - If the applicant holds a lifetime boater safety education card.
- An identification card or driver license displaying a symbol is valid proof of possession of the indicated lifetime card or recreational license.
- Changes made by the bill to the identification card and driver license will apply upon implementation of new designs for the identification card and driver license by DHSMV.

The analysis is drafted to the committee substitute as reported by the Highway and Waterway Safety Subcommittee.