

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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BILL: CS/SB 158

INTRODUCER: Transportation Committee and Senator Hutson

SUBJECT: Identification Cards and Driver Licenses

DATE: October 28, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Fav/CS</b>
2.	Gusky	Miller	ATD	<b>Recommended: Favorable</b>
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**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 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, renewed, or replaced for a purpose other than solely including the symbol on the card (i.e., an address or name change). Adding the recreational symbol requires the payment of a \$1 fee, in addition to the applicable issuance, renewal or replacement fee.

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

A driver license or identification card that has a recreational symbol can be used as proof that the individual possesses the lifetime recreational license or card.

To the extent that individuals apply for and obtain the designations authorized in the bill at the time their driver licenses or identification cards are issued, renewed, or replaced for a purpose other than solely including the recreational license or card symbol, the additional \$1 fee will have a positive fiscal impact on the Highway Safety Operating Trust Fund.

The bill provides an effective date of July 1, 2016, however the bill specifies that changes made to driver licenses and identification cards will apply upon implementation of new designs for the driver license and identification cards by the DHSMV which is anticipated to be in 2017.

## **II. Present Situation:**

### **Designations on Driver Licenses or Identification Cards**

Currently, the only designation an individual may have placed on his or her driver license or identification card, for an additional fee, is a “V” for a veteran.<sup>1</sup> 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 card or license. The \$2 fee covers the \$1.97 cost of the card stock.<sup>2</sup> If the applicant is not conducting any other transaction affecting the license or card, the applicant does not have to pay the \$25 replacement 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).<sup>3</sup>

Other states, including 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.<sup>4</sup>

### **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.<sup>5</sup>

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.<sup>6</sup>

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 a \$25 fee.

### **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.

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<sup>1</sup> See ss. 322.051(8)(b) and 322.14(1)(c), F.S.

<sup>2</sup> 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).

<sup>3</sup> Section 4, ch. 2015-85, Laws of Fla.

<sup>4</sup> 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).

<sup>5</sup> Section 322.21(1)(e), F.S.

<sup>6</sup> Section 322.21(1)(f)3., F.S.

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.<sup>7</sup> 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.<sup>8</sup>

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 revoked.<sup>9</sup> As of September 2015, there are 54,502 active lifetime recreational licenses. More than 2,600 people hold two or more lifetime licenses.<sup>10</sup>

### ***Resident Lifetime Freshwater or Saltwater Fishing Licenses<sup>11</sup>***

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 September 2015, the FWC has 2,898 active lifetime freshwater fishing licenses.<sup>12</sup> A lifetime freshwater fishing license also allows all activities authorized by a management area permit<sup>13</sup>, excluding hunting.

As of September 2015, the FWC has 18,506 active lifetime saltwater fishing licenses.<sup>14</sup> A lifetime saltwater fishing license also allows the license holder to take or possess snook and spiny lobster.

### ***Resident Lifetime Hunting Licenses<sup>15</sup>***

As of September 2015, the FWC has 1,595 active lifetime hunting licenses.<sup>16</sup> 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.

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<sup>7</sup> Section 379.354(1), F.S.

<sup>8</sup> Section 379.354(2), F.S.

<sup>9</sup> As provided for in ss. 379.401 or 379.404, F.S.

<sup>10</sup> Florida Fish and Wildlife Conservation Commission, *Lifetime Customer Counts with Suspensions and Revocations* (October 21, 2015) (on file with the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development).

<sup>11</sup> Section 379.354(10), F.S.

<sup>12</sup> FWC Lifetime Customer Counts, *supra* note 10.

<sup>13</sup> 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.

<sup>14</sup> FWC Lifetime Customer Counts, *supra* note 10.

<sup>15</sup> Section 379.354(11), F.S.

<sup>16</sup> FWC Lifetime Customer Counts, *supra* note 10.

In addition to authorizing the take, attempted take or possession of game animals<sup>17</sup>, 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 Licenses***<sup>18</sup>

As of September 2015, the FWC has 31,503 active lifetime Sportsman's licenses.<sup>19</sup> A Lifetime Sportsman's license provides individuals with the same authorizations as having a lifetime 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 Cards**<sup>20</sup>

A person born on or after January 1, 1988, who operates 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 an approved boater safety education course. 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.<sup>21</sup>

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<sup>17</sup> 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.

<sup>18</sup> Section 379.354(12), F.S.

<sup>19</sup> DHSMV Agency Analysis, *supra* note 2.

<sup>20</sup> Section 327.395, F.S.

<sup>21</sup> FWC, *Senate Bill 158 Agency Bill Analysis* (September 4, 2015)(on file with the Senate Committee on Transportation).

### 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 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, renewed, or replaced for a purpose other than solely including the recreational symbol on the card (i.e., an address or name change). Adding the symbol requires the payment of a \$1 fee, in addition to the applicable issuance, renewal or replacement fee.

An individual who surrenders and replaces his or her driver license or identification card for the sole purpose of including his or her status as a lifetime fishing, hunting, or sportsman's licensee holder or a lifetime boater safety cardholder is only 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.

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.<sup>22</sup>

**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, which is currently anticipated to be in 2017<sup>23</sup>.

**Section 6** provides that 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.

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<sup>22</sup> DHSMV Agency Analysis, *supra* note 2.

<sup>23</sup> DHSMV Agency Analysis, *supra* note 2

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

Not applicable.

**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 a driver license or identification card is being issued, renewed, or replaced for a purpose other than solely including the recreational symbol on the card. The \$1 fee is in addition to the applicable issuance, renewal or replacement fee. An individual who surrenders and replaces his or her driver license or identification card with the sole purpose of adding such designations must pay a \$2 fee, which covers the cost of the card stock.

**C. Government Sector Impact:**

According to the FWC, there are over 495,000 active lifetime hunting, fishing, or sportsman's licenses and boater safety identification cards.<sup>24</sup> The additional \$1 fee will have a positive fiscal impact on the DHSMV's Highway Safety Operating Trust Fund, to the extent that individuals apply for and obtain the designations authorized in the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

While the bill does not specify how a suspension or revocation of one or more of the recreational lifetime licenses would be accommodated, according to FWC staff, the current practice of FWC officers is to either perform a web based query or call in to verify the status of a license issued by the FWC using the license holder's driver license or identification card.<sup>25</sup>

**VIII. Statutes Affected:**

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

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<sup>24</sup> FWC Lifetime Customer Counts, *supra* note 10.

<sup>25</sup> E-mail, FWC Legislative Affairs Office (October 27, 2015) (on file with Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development).

**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.