

STORAGE NAME: h3251a.ft

DATE: March 27, 1998

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
FINANCE AND TAXATION
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 3251

RELATING TO: Wildlife

SPONSOR(S): Representative Boyd

COMPANION BILL(S): SB 470 (I)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) WATER AND RESOURCE MANAGEMENT YEAS 9 NAYS 0
- (2) FINANCE AND TAXATION
- (3) GENERAL GOVERNMENT APPROPRIATIONS
- (4)
- (5)

I. SUMMARY:

HB 3251 proposes a user-pay program for private landowners who wish to allow public access for hunting, fishing and other outdoor recreational activities on their lands. The Game and Fresh Water Fish Commission (GFC) will manage the lands and sell recreational use permits to individuals wanting to use the land. The fee for those permits will be determined on a per-acre basis by GFC staff and the landowner, and will be unique to each privately-owned Type I Wildlife Management Area (WMA). The amount of compensation the owner wants to receive, the number of permits to be sold, and the location and value of the land are factors that will affect the price of the permits. The revenues raised on each WMA, less \$25 per permit as an administrative fee retained by the GFC, will then be given to the applicable landowner according to his individual lease agreement with the agency.

Some of the private landowners currently participating in the Type I WMA program are considering withdrawing from the program because they can lease their lands to private hunting clubs and be paid significantly more per acre for the land than GFC is able to pay them. The current appropriation for this program is \$900,000. In fiscal year 1996-97 GFC used that \$900,000 to lease 20 tracts of land (857,000 acres) from 11 different owners. The user-pay program is a plan that allows the state to make more land available to the public for recreational use, without buying the land.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

There are 857,000 acres of privately-owned land currently included in the Type I WMA program. Landowners have been withdrawing from the program though because of the economic value of leasing the land to private hunting clubs. The number of acres available for public outdoor recreational use is likely to decline if the landowners do not receive increased annual lease payments.

The two different types of WMAs in Florida include 4.5 million acres of land. Type II (3,643,000 acres) is public land, and Type I (857,000 acres) is private land that is leased by the state. Under the WMA system, users pay an annual permit fee of \$25 which allows them access to all WMAs in the state. The total amount paid by GFC in annual lease fees for Type I WMAs is \$900,000 which makes the average lease payment \$1.05 per acre. In Florida the membership fee for a private hunting club can cost between \$500 and \$2,500 or approximately \$10-14 per user per acre.

B. EFFECT OF PROPOSED CHANGES:

HB 3251 proposes a user-pay program. This program would establish a recreational use permit and fee that would be unique to each privately-owned WMA. This allows private landowners to receive adequate compensation for providing their land for public recreational use. The user-pay program has the potential to shift \$900,000 to other GFC budget needs if all 857,000 acres currently in the Type I WMA program change to the user-pay concept.

The individuals who purchase the recreational use permit will be paying a higher fee than they would with the current WMA permit, but if the annual lease payments made to the landowners are not increased the users would face losing access to the lands or having to pay the high rates of private hunting clubs. The \$25 WMA permit would still be available and would still provide access to all of the public (or Type II) WMAs in Florida.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes, HB 3251 will give GFC the authority to set recreational permit fees by commission rule. Although Article IV, Section 9 of the Florida Constitution reads that "all license fees for taking wild animal life and fresh water aquatic life . . . shall be prescribed by specific statute," there is precedence in statute (s. 372.57 (4)(b), F.S.) for allowing GFC to set those fees.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Yes, GFC staff will have to work closely with landowners to determine the permit fee for each parcel of land. GFC anticipates that the landowners who are currently leasing their land to GFC under the Type I WMA program will participate in the user-pay program as an alternative to removing their lands from public access. Because those lands are currently managed by GFC staff, there will be a change in specific duties, but there should not be a significant increase in workload.

- (3) any entitlement to a government service or benefit?

N/A

- b. If an agency or program is eliminated or reduced:

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

- b. Does the bill require or authorize an increase in any fees?

Yes, the bill authorizes GFC to set the recreational use permit fee. This fee will be determined by GFC staff and landowners, and will be higher than the current \$25 WMA permit fee.

- c. Does the bill reduce total taxes, both rates and revenues?

N/A

- d. Does the bill reduce total fees, both rates and revenues?

N/A

- e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes, HB 3251 provides another option for private landowners who want to offer their land to the public for hunting, fishing, or other outdoor recreational activities.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

N/A

D. SECTION-BY-SECTION RESEARCH:

Section 1: Amends s. 372.57, F.S., to create a recreational user permit fee to be charged to users for hunting, fishing, or otherwise using for outdoor recreational purposes land leased by GFC from private landowners.

Section 2: Provides that the act shall take effect July 1 of the year in which enacted.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

Insignificant

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Users purchasing the recreational use permit will pay a higher fee for access to the land than they would under the current WMA program. It is highly probable, however, that the new fee (to be determined by GFC staff and the landowner of each participating Type I WMA) will be less than what the user would pay as a member of a private hunt club.

2. Direct Private Sector Benefits:

The landowners who wish to keep their lands available for public access will receive greater compensation than GFC is currently able to provide. Users of the land will have continued access to the lands that they might not be able to afford if the land were leased to a private hunting club.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to an analysis of HB 3251 because the bill does not require cities or counties to expend funds, or to take actions which require the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the revenue raising authority of local governments.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the state tax shared with counties and municipalities.

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V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Water and Resource Management adopted two amendments on February 18, 1998. One amendment exempted from participation in the user-pay program those privately owned WMAs west of the Ochlockonee River. This amendment affects six WMAs. The second amendment specified that the GFC will continue to pay the landowner fee to landowners currently participating in the private landowner payment program, and those fees will be used to augment the landowner lease fee so as to decrease the permit fee for users of that property. The amendments were not incorporated into the bill as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON WATER AND RESOURCE MANAGEMENT:

Prepared by:

Legislative Research Director:

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AS REVISED BY THE COMMITTEE ON FINANCE AND TAXATION:

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