

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/SB 354

SPONSOR: Appropriations Subcommittee on General Government, Finance and Taxation Committee and Senator Pruitt

SUBJECT: Funding for the Fish and Wildlife Conservation Commission

DATE: February 6, 2002      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Branning	Voigt	NR	Fav/2 amendments
2.	Keating	Johansen	FT	Favorable/CS
3.	Hendon	Hayes	AGG	Favorable/CS
4.	_____	_____	AP	Withdrawn: Fav/CS
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill reorganizes the provisions relating to recreational saltwater fishing licenses and freshwater fishing license and merges them into ch. 372, F.S.

Allows a person cited for a violation of not having a photo identification and boater safety identification in his possession while operating a vessel may have the case dismissed by the clerk of the court for a \$5 dismissal fee.

Allows the Fish and Wildlife Conservation Commission to use certain funds in the Marine Resources Conservation Trust Fund for research grants and contracts with certain research institutions.

States Legislative intent that all citizens of Florida have a right to hunt, fish, and take game.

Allows the Commission to establish a process and vendor fee for credit-card purchases of licenses, permits, and authorization numbers over the telephone and a process and vendor fee for the electronic sale of licenses, permits, and authorization numbers. Various provisions relating to subagents are modified to conform to the possible development of an automatic license process.

Allows a person cited for a violation of not having a license in his or her possession to have the case dismissed by the clerk of the court for a \$5 dismissal fee.

Deletes certain outdated provisions relating to the Commission and its executive director.

This bill amends the following sections: 327.73, 370.0603, 370.063, 370.25, 372.001, 372.105, 372.106, 372.16, 372.561, 372.57, 372.571, 372.5712, 372.5715, 372.5717, 372.573, 372.574, 372.65, 372.661, 372.7015, 372.7016, 810.09, 372.711, 372.921, 372.922, 705.101, 212.06, 215.20, and 810.09, F.S.

This bill reenacts 372.83(1)(h), F.S.

This bill renumbers and amends the following sections: 370.0608 to 372.5701, 370.0609 to 372.5702, and 370.062 to 372.5704, F.S.

This bill creates the following sections: 372.002, 372.555, and 372.562, F.S.

This bill repeals the following sections: 370.0605, 370.0615, 370.1111, subsections (10) and (11) of s. 370.14, subsection (4) of s. 372.05, and 372.06, F.S.

## **II. Present Situation:**

During the interim preceding the 2000 legislative session, the Senate Natural Resources Committee conducted a statutorily required review of the fees for fishing and hunting licenses and permits issued by the Fish and Wildlife Conservation Commission. This review is required every 5 years.

The Senate Natural Resources interim committee report found that many of the fees charged for fishing and hunting licenses have not been changed in many years and the cost increases of operations cannot be met from these user fees. As a consequence, increased agency operations costs have created more demand on the General Revenue Fund.

In 1942 when the Florida Game and Freshwater Fish Commission was created, hunting and fishing licenses were about the only source of revenue for this agency. Today, these license sales barely make up 30 percent of the agency's total revenues (including federal matching funds,) while an average of 30 percent of the agency's revenues comes from the state's General Revenue Fund.

License revenues are deposited into the State Game Trust Fund. Other funds which support the commission's activities include the Nongame Wildlife Trust Fund, the Panther Research and Management Trust Fund, and the Land Acquisition Trust Fund. Since the mid 1980s, the Game and Freshwater Fish Commission (the predecessor to the Fish and Wildlife Conservation Commission) has had to depend on significant subsidies of General Revenue to meet its operating costs.

The percentage of General Revenue Fund dollar supporting the agency's budget fluctuates from approximately 26 percent to 45 percent each year. While the percentage of subsidies from the General Revenue Fund fluctuates, the actual dollars received continues to rise. Over the years, revenue from license sales has been declining or stagnating. Because revenues have been declining, the commission has experienced revenue shortfalls in the past.

The commission issues more than 85 licenses pursuant to ch. 372, F.S. Of those, the annual resident fishing license is the largest single revenue producer at around \$5 million. Annual management area permits produce about \$1.5 million. The next two largest fee producers are the nonresident annual fishing license and the annual resident hunting license. Both of these licenses produce annual revenues at approximately \$1.5 million. Many license fees have not increased since they were first established. There are seven licenses which have not been increased since they were established in 1929, and eight licenses that have not been increased in 20 years or more.

Florida's license fees are less than the national average for every category except it nonresident hunting license and its resident trapping license. A Florida nonresident hunting license is \$150. The national average is \$65.26. However, Florida does not require big game special tags or permits as other states do in addition to the basic license.

Legislation was introduced in 2001 to help alleviate some of the commission's ongoing trust fund problems but it did not pass. During Special Session C, the Legislature passed SB 32-C, (ch. 2001-369, L.O.F.) which amended s. 328.72, F.S., stating that the county portion of vessel registration fees is derived from recreational vessels only. The bill also clarified that the first \$1 of the county share of fees must be deposited in the Save the Manatee Trust Fund. In addition, the bill amended s. 328.76, F.S., to clarify that \$1.50 of both the commercial and recreational vessel registration fees are deposited in the Save the Manatee Trust Fund.

In October 2001, the Office of Program Policy Analysis and Government Accountability (OPPAGA) issued a Justification Review of the Fish and Wildlife Conservation Commission. OPPAGA found that the Commission is facing a crisis in its financial status. According to the report, the Commission projects that three of the six trust funds will be in deficit position (by a total of \$9.4 million) by FY 2004-05. Many of the Commission's programs are funded by the revenues from the sale of hunting and fishing licenses, which have been declining in recent years. OPPAGA recommended that the Commission continue its efforts to reduce the size of its projected trust fund deficits by increasing the sale of hunting and fishing licenses and eliminating low priority programs. OPPAGA further suggested that the Legislature consider authorizing the Commission to increase its fees and allow the Commission to charge fees for certain license that are presently issued without charge. The Commission reported that it spent \$1 million issuing 162,451 free permits and licenses in FY 1999-00.

### **III. Effect of Proposed Changes:**

**Section 1.** Section 327.73, F.S., is amended to provide that any person who is cited for a violation of s. 327.395, F.S., which requires the possession of a photographic identification and a boater safety identification card by certain persons, can show a boating safety identification card issued to him or her and valid at the time of the citation and the clerk of the court may dismiss the case and may assess a \$5 dismissal fee.

**Section 2.** Section 370.0603, F.S., is amended to provide for the deposit of funds derived from the tarpon tag fees into the Marine Resources Conservation Trust Fund.

**Section 3.** Section 370.0608, F.S., is renumbered as s. 372.5701, F.S., and is amended to provide that except as otherwise provided all saltwater license and permits shall be deposited into the Marine Resources Conservation Trust Fund. The bill clarifies that fee proceeds are to be used as follows:

- Not more than 7.5 percent of the total fees collected, for administration of the licensing program and for information and education. (an increase from 5 percent)
- Not less than 30 percent of the total fees collected, for law enforcement. (currently not more than 30 percent)
- Not less than 32.5 percent of the total fees collected, for marine research and management. (currently 27.5 percent for marine research)
- Not less than 30 percent of the total fees collected for fishery enhancement.

Certain obsolete language is deleted due to the repeal of s. 370.0605, F.S.

**Section 4.** Section 370.0609, F.S., is renumbered as s. 372.5702, F.S., and amended to allow the Commission to use funds deposited into the Marine Resources Conservation Trust Fund pursuant to s. 372.5701, F.S., for research grants and contracts with research institutions including but not limited to: Florida Sea Grant; Florida Marine Resources Council; Harbour Branch Oceanographic Institute; Technological Research and Development Authority; Florida Marine Research Institute of the Fish and Wildlife Conservation Commission; Mote Marine Laboratory; Marine Resources Development Foundation; Florida Institute of Oceanography; Rosentiel School of Marine and Atmospheric Science; and Smithsonian marine Station at Ft. Pierce.

**Section 5.** Section 370.062, F.S., is renumbered as s. 372.5704, F.S., and is amended to make some technical changes to allow the tax collectors to submit to the Commission all unused tarpon tags by August 15 of the previous fiscal year. This conforms to other statutory provision that specify when unused tags for other species must be submitted to the Commission.

**Section 6.** Section 370.063, F.S., relating to special recreational crawfish licenses, is amended to correct a cross-reference.

**Section 7.** Section 370.25, F.S., is amended to allow the Commission to provide grants to state universities as well as coastal local governments and nonprofit corporations for the siting and development of artificial reefs as well as for monitoring and evaluating their recreational, economic, and biological effectiveness. The Commission may accept title, on behalf of the State of Florida, to vessels for use in the artificial reef program as offshore artificial reefs. Authorizes the Commission to adopt certain rules relating to artificial reefs.

**Section 8.** Section 372.001, F.S., is substantially rewritten to revise and reorganize the following definitions as applied to saltwater and freshwater fish, shellfish, crustacea, sponges, wild birds, and wild animals and to put them in one chapter: “authorization”; “closed season”; “Commission”; “common carrier”; “fish and game”; “fish management area”; “fish pond”; “Florida Bass”; “fresh water”; “freshwater fish”; “fur-bearing animals”; “game”; “nongame”; “open season”; “private hunting preserve”; “resident”; “take”; and “transport.”

**Section 9.** Section 372.002, F.S., is created to state the Legislative intent that all citizens of Florida have a right to hunt, fish, and take game.

**Section 10.** Section 372.105, F.S., is amended to clarify that the proceeds from the sale of lifetime fishing and hunting licenses are to be deposited into the Lifetime Fish and Wildlife Trust Fund. Specifies that the interest income received and accruing from the investments of proceeds from the sale of lifetime saltwater fishing licenses shall be expended for marine law enforcement, marine research, and marine fishery enhancement.

**Section 11.** Section 372.106, F.S., is amended to provide that one-fifth of the total proceeds from the sale of 5-year freshwater fishing and hunting licenses and replacement license, and all interest derived there from, shall be appropriated annually to the State Game Trust Fund. One-fifth of the total proceeds from the sale of 5-year saltwater fishing licenses and replacement licenses, and all interest derived there from, shall be appropriated annually to the Marine Resources Conservation Trust Fund.

**Section 12.** Section 372.16, F.S., is amended to move the authorization to charge a fee for private game preserves and farms from paragraph 4 to paragraph 1.

**Section 13.** Section 372.555, F.S., is created to allow the Commission, using competitive bid procedures, to establish:

- A process and vendor fee for purchases of licenses and permits over the telephone; and
- A process and vendor fee for the electronic sale of licenses and permits.

**Section 14.** Section 372.561, F.S., is substantially reworded to clarify the Commission's authority to issue licenses, permits, and authorizations to take wild animal life, freshwater aquatic life, and marine life. Provides the Commission with certain rulemaking authority. Provides that in addition to any license or permit fee, \$1.50 shall be charged for each license or management area permit to cover the cost of issuing such license or permit. A tax collector may retain the following:

- \$1 for each hunting or freshwater fishing license sold and for each sportsman's or gold sportsman's license sold.
- \$1 for each management area permit sold.
- \$1.50 for each saltwater fishing tag or license sold, including combination saltwater fishing and freshwater fishing licenses, or combination saltwater fishing, freshwater fishing, and hunting licenses.

**Section 15.** Section 372.562, F.S., is created to provide for free licenses and permits, and for exemptions from license and permit requirements when certain conditions have been met. This section consolidates similar provisions found in both ch. 370, F.S., and ch. 372, F.S. A new exemption from the license fees is created for employees of the commission for taking fish or wildlife as a part of their employment and other individuals for taking of fish or wildlife for scientific or educational purposes.

**Section 16.** Section 372.57, F.S., is substantially reworded and amended to incorporate the saltwater recreational saltwater provisions previously found in s. 370.0605, F.S., into s. 372.57, F.S. In addition, the following changes are made:

- Creates an annual resident Gold Sportsman's License at a cost of \$82. The new license authorizes the person to take freshwater fish, saltwater fish, and game, subject to applicable state and federal law. It also allows the person to engage in activities authorized by a turkey permit, a Florida waterfowl permit, an archery permit, a snook permit, and a crawfish permit.
- The three consecutive day, nonresident saltwater fishing license for \$5 is moved from ch. 370, F.S., to ch. 372, F.S.
- Authorizes the Commission to sell 5-year permits at five times the annual cost.

**Section 17.** Section 372.571, F.S., is amended to correct certain cross-references.

**Section 18.** Section 372.5712, F.S., is amended to correct certain cross-references and to ensure that revenue from the 5-year waterfowl permit continues to be used for waterfowl purposes only.

**Section 19.** Section 372.5715, F.S., is amended to correct certain cross-references.

**Section 20.** Section 372.5717, F.S., is amended to correct certain cross-references.

**Section 21.** Section 372.573, F.S., is amended to correct certain cross-references and to insure that revenue from the 5-year management area permit is used for management area purposes only.

**Section 22.** Section 372.574, F.S., is amended to require that subagents submit payment for and report the sale of licenses and permits each week for the possible development of a statewide automated license system. Currently, subagents submit such payments and reports as prescribed by the tax collector, but not less frequently than monthly.

**Section 23.** Section 372.65, F.S., is amended to correct a cross-reference and certain unnecessary language.

**Section 24.** Section 372.661, F.S., is amended to correct certain cross-references.

**Section 25.** Section 372.7015, F.S., is amended to correct a cross-reference.

**Section 26.** Section 372.7016, F.S., is amended to correct a cross-reference.

**Section 27.** Section 810.09, F.S., is amended to correct a cross-reference.

**Section 28.** Section 372.711, F.S., is amended to allow a person cited for a violation of not having his or her license in his or her possession to, prior to or at the time of his or her court or hearing appearance, to produce the required license or permit to the clerk of the court. The clerk of the court is authorized to dismiss each such case at any time before, or at the time of, the defendant's appearance in court. The clerk of the court may assess a fee of \$5 for dismissing the case.

**Section 29.** Section 372.83, F.S., relating to noncriminal infractions, is reenacted.

**Section 30.** Section 372.921, F.S., is amended to expand the wildlife exhibition permit to include amphibian. This language clarifies the authority of the commission to offer a Class III permit for wildlife not listed as Class I or Class II. The Commission is authorized to adopt rules defining Class I, Class II, and Class III types of wildlife.

**Section 31.** Section 372.922, F.S., is amended to clarify that personal possession of a Class III wildlife is exempt from the permit fee requirements.

**Section 32.** Section 705.101, F.S., is amended to provide that derelict vessel are included in the definition of “abandoned property.”

**Section 33.** Section 212.06, F.S., is amended to correct a cross-reference.

**Section 34.** Section 215.20, F.S., is amended to correct certain cross-references.

**Section 35.** The following sections are repealed since most of these provisions have been moved to ch. 372. F.S.:

- s. 370.0605, F.S. — saltwater fishing licenses and fees,
- s. 370.0615, F.S. — saltwater lifetime licenses,
- s. 370.1111, F.S. — Snook regulations,
- Subsections (10) and (11) of s. 370.14, F.S. — recreational crawfish regulations,
- Subsection (4) of s. 372.05, F.S. — requiring the executive director to submit to the Commission at each meeting a report of his actions and doings as official representative of the Commission, and
- s. 372.06, F.S. — requiring that at least four Commission meetings be held at the state capitol no less frequently than once every 3 months.

**Section 36.** This act shall take effect July 1, 2002.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Hunters and anglers that are cited for not having their boating safety card or recreational license will benefit from paying a \$5 dismissal fee when they provide evidence of such cards or licenses rather than the fine for the citation.

The creation of the Gold Sportsman's License will save hunters and anglers from \$4.5 to \$8 in administrative fees over buying each license individually.

The creation of 5-year permits at five times the annual cost will allow hunters and anglers to save \$2 on each permit purchased.

**C. Government Sector Impact:**

The commission will incur minimal costs in reprinting five year licenses in order to accommodate the new five year permits for individual species.

The commission will incur minimal savings in staff time through the use of a separate trust fund to account for fees from life time licenses.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.