



# The Florida Senate

*Interim Project Report 2005-218*

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Committee on Environmental Preservation

Senator Paula Dockery, Chair

## FISH AND WILDLIFE CONSERVATION COMMISSION 5-YEAR LICENSE AND FEE REVIEW

### SUMMARY

The Legislature created the Fish and Wildlife Conservation Commission (FWC) by enacting ch. 99-245, Laws of Florida, to merge the former Game & Fresh Water Fish Commission, the former Marine Fisheries Commission, and portions of the Department of Environmental Protection into the new agency. In 1999, the Legislature also enacted ch. 99-353, Laws of Florida, to require that every 5 years the Legislature review the fees for licenses and permits issued by the FWC.

The first fee review, conducted in 2000, found that the FWC was experiencing a downturn in license revenue as a result of a national decline in the sale of hunting and fishing licenses. The review further found that the FWC relied upon the state's General Revenue Fund to assist in overcoming the budget shortfall, and found that the fees for hunting and fishing licenses in Florida fell below the national average.

Beginning with the 2000 Regular Session, the Legislature considered several bills to assist the FWC in developing additional revenue sources. Of the bills enacted in each of the past five sessions, two created user convenience licenses, and one created new fees for non-resident hunting licenses and non-resident turkey permits. Fees for wildlife exhibition permits, for permits to operate a private wildlife preserve as a commercial entity, and for personal possession of certain classes of wildlife were also raised.

For fiscal year 2004-2005, the FWC's total operating budget is more than \$215 million. The FWC will receive more than \$51 million in general revenue to assist the agency with operating expenses. Most of these funds will be used to pay salaries and benefits for law enforcement personnel, but some will be used for other purposes.

In accordance with the provisions of s. 372.5711, F.S., this report serves as the 5-year required fee review and provides an overview of the status of Florida's fees for licenses and permits, the current exemptions for licenses and permits, and the saltwater vessel license program.

### BACKGROUND

Florida's Fish and Wildlife Conservation Commission (FWC) was created by the Legislature in 1999 as a result of the passage of Revision 5 to the State Constitution during the 1998 General Election. Revision 5 provided for a Fish and Wildlife Conservation Commission composed of seven members appointed by the Governor and confirmed by the Florida Senate. The Legislature created the FWC during the 1999 Regular Session by merging the former Game & Fresh Water Fish Commission with the former Marine Fisheries Commission, and with entities from the Department of Environmental Protection.<sup>1</sup>

The FWC is constitutionally charged with exercising the regulatory and executive power of the state with respect to wild animal life and fresh water aquatic life, and also has both constitutional and statutory regulatory authority over marine life.<sup>2</sup>

<sup>1</sup> ch. 99-245, Laws of Florida.

<sup>2</sup>See Caribbean Conservation Corp., Inc., et al v. Florida Fish and Wildlife Conservation Commission, et al, 838 So.2d 491 (Fla 2003) in which the Florida Supreme Court stated:

[Our conclusion is consistent with what was presented to the voters in the revision 5 ballot summary, which states that revision 5 "removes legislature's exclusive authority to regulate marine life and grants certain powers to new commission." This statement is reasonably read to mean that the Legislature had exclusive power to regulate marine life, but some, not all, of the exclusive power was being constitutionally transferred to the FWCC. This correlates with the constitutional language in article IV, section 9, and article XII, section 23, that what the FWCC is to have with respect to marine life is some regulatory powers, not "the" regulatory power of the state, and that the power which the FWCC is to have is the power which the

At the time the FWC was created, the Legislature also enacted chapter 99-353, Laws of Florida, to create s. 372.11, F.S., which requires that "the fees for licenses and permits established under this chapter, and exemptions thereto, shall be reviewed by the Legislature during its regular session every 5 years beginning in 2000."

### **1999-2000 Legislative Fee Review**

In September 1999, the Florida Senate's Committee on Natural Resources published Project Report Number 2000-63 entitled "Review of License Fees and Exemptions Authorized in Chapter 372, F.S.." This report summarized the former Game & Fresh Water Fish Commission's reliance on state general revenue subsidies in order to meet operating expenses. The report also found that the cost of issuing some of the agency's licenses and permits exceeded the revenues derived from those permits, and recognized that many of the fees for those permits had not been raised since the permits were created in 1929.

The report stated that a survey conducted by the former Game & Fresh Water Fish Commission concluded that Florida's license fees were less than the national average for every category except non-resident hunting and resident trapping fees. The report further found that at least 30 percent of Florida's population is either eligible to receive a free license or is exempt from license requirements due to age or disability.

Also in September 1999, the Committee on Water and Resource Management in the Florida House of Representatives published an Interim Project Final Report entitled "Review of Fishing and Hunting Licenses and Permits Issued by the Fish & Wildlife Conservation Commission." This report found that between 1991 and 1997, the sale of annual resident freshwater fishing licenses in Florida fell by more than 15 percent and the sale of annual resident hunting

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Marine Commission had on March 1, 1998. The power in respect to marine life which the Marine Commission had on that date did not include the power which had been given to DEP. (emphasis added)

[This conclusion is bolstered by the Constitution Revision Commission's discussion of revision 5 immediately before revision 5 was approved for placement on the ballot... Commissioner Thompson explained the amendment in this manner:

So my amendment makes it clear, and shall also exercise regulatory and executive powers of the state with respect to marine life as the Legislature sees fit. And that's all there is to it. It is a very simple provision that just allows the Legislature to make the decision as to whether to expand that jurisdiction. Commission Transcript at 51. (emphasis added)

licenses fell by more than 45 percent. However, the report indicated that the sale of annual resident saltwater fishing licenses, created by the Legislature in 1989, increased by approximately 10 percent. Further, the report found that fees for annual resident fishing and hunting licenses had not been raised in ten years. The report went on to estimate that if one-fourth of the residents exempt from licensing or fee requirements were required to purchase a hunting or fishing license, the FWC would receive an additional \$18 million in revenue.

### **General Revenue Funding**

From 1990 through 1999, the former Game & Fresh Water Fish Commission relied on substantial general revenue subsidies from the state in order to meet its operating expenses. Over a 10-year period, the general revenue subsidy provided the agency with between 30 and 50 percent of its operating budget. The budget shortfall was due, in part, to a decline in the sale of hunting and freshwater fishing licenses which caused a decline in revenues necessary to operate agency programs. However, even during those years, general revenue received by the agency was primarily used for law enforcement salaries and expenses.

In fiscal year 1999-2000, the FWC's total annual operating budget was \$152.5 million and consisted of \$46.3 million in general revenue and \$106 million in trust funds. Over the past five years, general revenue has provided between 25 and 31 percent of the operating budget. In fiscal year 2004-2005, the FWC's total operating budget is \$215 million.<sup>3</sup> The Legislature appropriated \$51.3 million in general revenue funds (31 percent of the operating budget) to the FWC primarily to meet salaries and benefits for law enforcement personnel.

### **Exemptions from Licensing and Permitting Requirements and Fee Exemptions**

As early as 1927, Florida's chapter laws contained exemptions from fishing license requirements for persons fishing within the county of residence, and for children under the age of 15. Current hunting and fishing license exemptions include the following:

- any child under the age of 16 years,
- any person hunting or fishing in the county of residence on personal homestead property,
- any Armed Forces Florida resident stationed outside of the state,

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<sup>3</sup> Data provided by the Florida Senate, Committee on Appropriations.

- any resident fishing with a cane pole,
- persons who have been accepted as development services clients by the Department of Children & Family Services,
- residents 65 years of age or older,
- any resident fishing in saltwater from the land,
- any resident fishing in saltwater from a structure fixed to the land,
- any non-resident fishing from a land-fixed structure with a pier license, and
- any person fishing from a licensed vessel<sup>4</sup> (which includes charter boats, party boats, and head boats).

Also, certain persons qualifying as disabled by the U.S. Department of Veterans Affairs, the U.S. Social Security Administration, any branch of the Armed Forces, the Railroad Retirement Board, and workers compensation criteria, are eligible to receive free licenses.

The U.S. Fish & Wildlife's *2001 National Survey of Fishing, Hunting, and Wildlife-Association Recreation* states that nationwide, 9 percent of anglers and 7 percent of hunters are 65 years or older. In Florida, we have 2.9 million residents over the age of 65 years (17 percent) but we don't know how many of those residents actually hunt and fish.

No data exists and no reporting mechanism is in place to show how many residents fish from the shore or fish with cane poles in Florida, or to show how much revenue the FWC is losing because these residents can fish without a license. In addition, the FWC lacks the manpower to patrol the shores of the state to issue tickets to non-residents who are violating state law by fishing from the shore without a license. Therefore, there is no hard data to show how many of Florida's millions of visitors who should be purchasing a fishing license are actually fishing for free.

**Resident Hunting & Fishing**

From 1990 through 2000, Florida's population grew by 23.5 percent while the national population grew by 13.5 percent.<sup>5</sup> At the time of the 1999-2000 fee review, Florida had approximately 15.1 million residents, of which about 6.4 million (about 42.5 percent) persons were eligible to hunt or fish in Florida either without a license or without having to pay for a license. This did not include residents fishing in

saltwater from the shore or any person fishing with a cane pole all of who could (and still can) fish without a license. In 1999-2000, the FWC sold just under 1 million resident annual freshwater or saltwater fishing licenses, and less than 100,000 resident annual hunting licenses. Including resident 5-year and lifetime licenses, just over 1.1 million Florida residents purchased some sort of hunting or fishing license.

In 2003, the United States Census Bureau estimated Florida's population at just over 17 million, a 6.5 percent increase over 2000, making Florida the 4th most populated state in the nation. Approximately 6.1 million people (about 36 percent) were eligible to hunt or fish with a free license or did not need to purchase a license. For fiscal year 2002-2003, the FWC sold less than 700,000 resident annual saltwater or freshwater fishing licenses, less than 90,000 resident annual hunting licenses, and just over 200,000 resident annual combination hunting and fishing licenses. Including resident 5-year and lifetime licenses, just over 950,000 of Florida's 17 million residents purchased some sort of hunting or fishing license.

Type of License	1999-2000	2002-2003
Annual SWF	602,846	422,683
Annual FWF	396,073	221,196
Annual Hunting	96,775	89,947
Annual FWF & Hunting	39,205	17,008
Annual Sportsman	21,948	14,679
Annual SWF & FWF	N/A	142,131
Annual FWF, SWF & Hunting	N/A	21,513
Annual Gold Sportsman	N/A	8,370
5-Year Hunting	123	1,184
5-Year FWF	1,850	5,469
5-Year SWF	6,305	16,649
All Types of Lifetime Licenses	682	842
<b>Total</b>	<b>1,165,807</b>	<b>961,671</b>

Finally, the U.S. Fish & Wildlife's *2001 National Survey of Fishing, Hunting, and Wildlife-Association Recreation* reports that in 2001, approximately 2.1

<sup>4</sup> see s. 372.562, F.S.

<sup>5</sup> <http://quickfacts/census.gov/qfd/states/12000.html>

<sup>6</sup> Sales data provided by the FWC, Office of Licensing & Permitting

million residents fished in Florida and 191,000 residents hunted in Florida. Based on 2002-2003 license sales which total 961,671, there is a disparity between the number of residents hunting and fishing in Florida and the number of resident hunting and fishing licenses being sold.

### **Non-Resident Hunting & Fishing**

In 1999, Visit Florida™ estimated that 72.8 million visitors spent a total of \$46.2 billion in tourism and recreation taxable sales. In 2003, Visit Florida™<sup>7</sup> estimated that 74.5 million visitors in Florida spent \$51.5 billion in tourism and recreation related taxable sales.<sup>8</sup>

The U.S. Fish & Wildlife's *2001 National Survey of Fishing, Hunting, and Wildlife-Association Recreation* reports that in 2001, 1 million non-resident anglers spent \$771,425,000 on trip and equipment expenditures in Florida, and 35,000 non-resident hunters spent \$23,737,000 for trip and equipment expenditures in Florida. Of the almost \$800 million reported as non-resident trip and equipment expenditures for hunting and fishing, the FWC received about \$8 million in fishing and hunting license revenues. There is a disparity between the number of estimated non-residents who hunt or fish in Florida and the number of non-resident licenses being sold.

<b>Type of License</b>	<b>1999-2000</b>	<b>2002-2003</b>
Annual SWF	90,960	95,958
7-Day SWF	69,883	68,970
3-Day SWF	243,088	239,630
Annual FWF	48,801	46,246
7-Day FWF	81,944	67,543
Annual Hunting	669	730
10-Day Hunting	5,847	7,551
<b>Total</b>	<b>541,192</b>	<b>526,628</b>

### **Vessel Licenses**

In 1989, the Florida Legislature enacted chapter 89-270, Laws of Florida, to create a mandatory vessel license program for vessels hired for the recreational purpose of taking or attempting to take marine fish. This program is commonly referred to as the "saltwater

vessel license program" even though all vessels are not typically categorized as saltwater or freshwater vessels. Persons paying to saltwater fish from licensed vessels are not required to purchase an individual saltwater fishing license. Also, one \$2 specialty stamp per vessel license is all that is needed to cover anyone on board who may be fishing for either snook or crawfish.

No data is available and no reporting mechanism is in place to show how many residents and non-residents fish from licensed vessels each year, how many trips each vessel takes, or how much revenue the FWC is losing because persons fishing from a licensed vessel are not required to purchase a fishing license. Vessel license fees have not been increased since they were created in 1990.

<b>Vessel Type &amp; Fee</b>	<b>1999-2000</b>	<b>2002-2003</b>
4 or Fewer - \$200	1,900	2,248
10 or Fewer - \$400	900	991
11 or More - \$800	147	154

### **Legislative Actions**

In the 2000 Regular Session, the Legislature enacted ch. 2000-362, Laws of Florida, to create an annual \$24 resident combination fishing license, and an annual \$34 resident combination hunting, freshwater fishing and saltwater fishing license. The licenses were created as a user convenience and were expected to have no revenue impact on the FWC. The FWC was also authorized to establish a fee for an electronic license sales program using competitive bid procedures to provide for on-line license purchases. No other changes were made to fees for licenses and permits issued by the FWC.

During the 2001 Regular Session, the Florida Senate passed CS/SB 2024, 1st Engrossed, relating to funding for the FWC. The bill provided for the creation of a resident annual gold sportsman's license to take freshwater fish, saltwater fish and game and included seven specialty permits and stamps. For non-residents, the Senate proposed the creation of a 1-day saltwater fishing license for a fee of \$7.50 and repealing the 3-day \$5 license. The Senate proposal also raised the turkey permit fee for non-residents to hunt turkey from

<sup>7</sup> VisitFlorida™ is the official tourism marketing corporation for the State of Florida.

<sup>8</sup> [http://visitflorida.org/pdf/research/Other\\_Specialty/FastFactsCY2003.pdf](http://visitflorida.org/pdf/research/Other_Specialty/FastFactsCY2003.pdf)

<sup>9</sup> Sales data provided by the FWC, Office of Licensing & Permitting

<sup>10</sup> Sales data provided by the FWC, Office of Licensing & Permitting

\$5 to \$100, and raised the fees for wildlife exhibition permits which had not been increased for at least twenty years. Zoos and other wildlife facilities exhibiting more than 25 specimens of wildlife would have paid \$250 instead of \$25 for an annual permit under the proposal. Although the bill passed the Senate, it was not considered by the full House of Representatives and died on the House Calendar.

During the 2002 Regular Session, both the House and Senate considered legislative proposals to provide additional funds to the FWC. The Legislature proposed the creation of a \$5 specialty bass permit and proposed raising the price of the resident annual sportsman's license by \$5 to include activities authorized by the new bass permit. The Legislature also proposed creating a resident annual gold sportsman's license for \$87; raising the fee for a non-resident 3-day recreational saltwater fishing license from \$5 to \$10; reinstating the non-resident 3-day recreational freshwater fishing license at a cost of \$10; raising the fee for non-resident saltwater and freshwater 7-day licenses from \$15 to \$20; raising the fee for annual non-resident fishing licenses from \$30 to \$32; and raising the fee for a non-resident turkey hunting permit from \$5 to \$100. The Legislature also considered raising the fees for private hunting preserve licenses and wildlife exhibition licenses. However, the Legislature only enacted ch. 2002-46, Laws of Florida, to create a user-convenient resident annual gold sportsman's license with a fee of \$82.

In the 2003 Regular Session, the Legislature enacted ch. 2003-151, Laws of Florida. The Legislature raised the fee for a non-resident turkey permit from \$5 to \$100 and raised the fee for a non-resident 10-day hunting license from \$25 to \$45. Fees for wildlife exhibition permits were also raised according to the number and class of individual wildlife specimens being exhibited, and the fee for possessing or exhibiting poisonous or venomous reptiles was raised from \$5 to \$100. The permit fee for personal possession of Class II wildlife (real or potential threat to human safety) was raised from \$100 to \$140, and the permit fee for persons operating a private hunting preserve as a commercial entity was raised from \$25 to \$70.

In the 2004 Regular Session, no fee increases for recreational permits and licenses were considered by the Legislature.

## METHODOLOGY

While the 1999-2000 fee review involved national surveys conducted by both the FWC and House staff, this year Senate committee staff reviewed the fees for licenses and permits issued by southeastern coastal states, as well as Texas, California, and Alaska. California was selected because of its large population and popular saltwater fishery. Alaska was selected because of the high tourism rate and the specialty permits issued to hunt big game. The southeastern states and Texas were selected because they share the Gulf of Mexico and the Atlantic Ocean with Florida fishermen.

Staff collected data on type of permits and licenses issued for hunting and fishing as well as the fees for those permits and licenses, and prepared charts comparing Florida's fishing and hunting fees with those issued by South Carolina, Georgia, Alabama, Louisiana, Texas, California and Alaska. Staff also compared population growth among all of the states to determine if interest in recreational hunting and fishing is increasing after a national decline over the past 10 years.

Staff also collected data relating to licensing and fee exemptions for disabled persons, military veterans, senior citizens, and children under the age of 16 years to determine if Florida's exemptions were in line with other states.

## FINDINGS

According to 2002 statistics provided by the American Sportfishing Association, freshwater fishing in Florida generated more than \$1 billion in retail sales, more than \$484 million in wages and salaries, provided for 19,519 jobs, and generated more than \$55 million in sales and fuel taxes. For the same period, saltwater fishing in Florida generated almost \$3 billion in retail sales, more than \$1.3 billion in wages and salaries, provided 59,418 jobs, and generated more than \$171 million in sale and fuel taxes. In 2002, Florida ranked number 1 in the nation with more than \$4 billion in retail sales generated by recreational fishing. In fiscal year 2002, the FWC received less than \$25 million from the sale of all types of saltwater and freshwater fishing licenses, including specialty permits and vessel licenses.

When comparing Florida licenses with those offered by Alabama, Alaska, California, Georgia, Louisiana, South Carolina, and Texas, staff noted the following:

- At \$30 per year, Florida and Alabama share the next lowest price for a non-resident annual freshwater fishing license. Georgia has the lowest fee at \$24 and Alaska has the highest fee at \$100. South Carolina charges \$35, Texas charges \$55, Louisiana charges \$60, and California charges \$80.
- Five of the eight states offer a non-resident 1-day freshwater fishing license with a minimum price of \$3.50 (Georgia) and a top price of \$17 (Texas).
- Six of the eight states offer a non-resident 7-day freshwater fishing license with a minimum price of \$7 (Georgia) and a maximum price of \$48 (Texas). With a \$15 license, Florida falls in the middle price range.
- At \$30 per year, Florida has the next to lowest price for a non-resident annual saltwater fishing license. Georgia has the lowest price at \$24, Alabama charges \$31, South Carolina charges \$35, Texas charges \$60, Louisiana charges \$90, California charges \$84, and Alaska is the highest at \$100.
- All eight states offer different variations on saltwater day licenses ranging from a \$10 1-day license (Alaska and California) to a \$104 14-day license (Texas). Florida offers a 3-day \$5 license or a 7-day \$15 license.
- At \$150 for an annual all game non-resident hunting license, Florida charges next to the lowest price. Alaska - \$85 all game license (no specialty stamps included) and a \$20 small game license; Georgia - \$177 big game license and a \$59 annual hunting license; South Carolina - annual small game license for \$125 and a big game permit for that license at a cost of \$100; California - \$108.50 for a non-resident annual hunting license and you may pay extra for specialty stamps; Louisiana - \$150 small game basic hunting license with a big game license for an additional \$150; Texas - general hunt license is \$300; and Alabama - \$250 for an annual all game license.
- For resident annual freshwater fishing licenses the fees are: Alabama - \$8.50; Georgia - \$9; Louisiana - \$9.50; South Carolina - \$10; Florida - \$12; Alaska - \$15; Texas - \$28; and California - \$31.25.
- Resident annual saltwater fishing license fees are: Georgia - \$9; South Carolina - \$10; Florida - \$12; Alaska and Louisiana - \$15; Texas - \$33; and California - \$31.25.
- Resident annual hunting license fees are: Georgia - \$10; Florida - \$11; Alabama and Louisiana - \$15; Texas - \$23; Alaska - \$25; and California - \$31.25.
- Resident annual combination and freshwater fishing license fees are: Georgia - \$17; Florida - \$22; Alabama - \$23.50; South Carolina - \$25; Alaska - \$39; and Texas - \$42.
- While all eight states offer exemptions to licensing requirements, Florida offers more exemptions and more free licenses than any of the other seven states.
- Florida is one of four states that do not require a fishing license when fishing from a licensed vessel. Louisiana, Texas, California and Alaska all require that persons fishing from a licensed vessel must still purchase a fishing license.

With the exception of the mid-range price for resident annual fishing licenses, Florida's hunting and fishing license fees for residents and non-residents fall in the lower range of the eight states included in this report.

Finally, in the past five years, Texas, Louisiana and California have raised the fees for all types of resident and non-resident hunting and fishing licenses. Louisiana created special day-trip licenses. Texas created special 3-month resident fishing packages and resident or non-resident special day packages. Alabama has raised the fees for a resident or non-resident annual all game hunting license and the annual small game license. Fees were also increased for hunting day-trip licenses and combination fishing licenses were created for residents and non-residents.<sup>11</sup>

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<sup>11</sup> Information relating to fees for licenses and permits obtained from the following state agencies and websites:  
Alabama Department of Conservation & Natural Resources ([www.dcnr.state.al.us/agfd](http://www.dcnr.state.al.us/agfd))  
Alaska Department of Fish & Game ([www.admin.adfg.state.ak.us/admin/license](http://www.admin.adfg.state.ak.us/admin/license))  
California Department of Fish & Game ([www.dfg.ca.gov/licensing](http://www.dfg.ca.gov/licensing))  
Georgia Department of Natural Resources ([www.georgiawildlife.dnr.state.ga.us](http://www.georgiawildlife.dnr.state.ga.us));  
Louisiana Department of Wildlife and Fisheries ([www.wlf.state.la.us](http://www.wlf.state.la.us))  
South Carolina Department of Natural Resources ([www.dnr.state.sc.us/licenses](http://www.dnr.state.sc.us/licenses))  
Texas Parks and Wildlife Department ([www.tpwd.state.tx.us](http://www.tpwd.state.tx.us))

## RECOMMENDATIONS

Recommendation #1: Staff recommends that the Legislature thoroughly review the statutorily created hunting and fishing license and fee exemptions and free licenses since 36 percent of Florida residents are not required to purchase a license to either hunt or fish and no resident is required to purchase a saltwater fishing license when fishing from the shore. Although non-residents are required to purchase a saltwater fishing license to fish from shore, the FWC lacks the law enforcement manpower to actually spend the time patrolling persons fishing from shore to determine if licensing laws are being violated.

Recommendation #2: Staff recommends that because anyone fishing from a licensed vessel does not need a fishing license, the Legislature conduct a complete evaluation of the saltwater vessel licensing program to determine if vessel license fees are set at appropriate amount and to create a reporting mechanism to determine how many persons are fishing from saltwater vessels and how many trips each vessel is taking.

As part of the evaluation, staff suggests that the Legislature's Office of Economic & Demographic Research be contacted for assistance in developing a survey which can be sent to all vessel license holders. The survey can be used to compile the data necessary to complete an evaluation of the vessel licensing program and make recommendations for improvement.

Recommendation #3. Staff recommends that the Legislature continue working to adjust the fees for licenses and permits issued by the FWC to ensure that license and permit sales are generating revenue in an amount sufficient to cover program costs.