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DATE: March 21, 1999

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
FINANCE AND TAXATION
ANALYSIS**

BILL #: HB 467

RELATING TO: Hunting and Fishing

SPONSOR(S): Rep. Sembler

COMPANION BILL(S):

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

- (1) WATER & RESOURCE MANAGEMENT YEAS 7 NAYS 0
- (2) COMMUNITY AFFAIRS (W/D)
- (3) FINANCE AND TAXATION
- (4) GENERAL GOVERNMENT APPROPRIATIONS
- (5)

I. SUMMARY:

HB 467 expands exemptions from hunting and fishing licenses and permits as authorized in s. 372.57, F.S. to include any disabled veteran with proof of disability from the U.S. Veterans' Administration, any person who is an amputee, any person permanently confined to a wheelchair, and any person who is blind as defined in s. 413.033, F.S. HB 467 repeals existing hunting and freshwater fishing license fee exemptions for totally and permanently disabled Florida residents as certified by the United States Department of Veterans' Affairs, the United States Social Security Administration, or any of the branches of the United States Armed Forces; totally and permanently disabled residents of Florida meeting certain criteria; and certain totally and permanently disabled resident veterans who hold a valid identification card issued by the Florida Department of Veterans' Affairs as authorized in s. 295.17, F.S. Technical changes are made to provide that persons accepted as developmental service clients by the Department of Children and Family Services (instead of Department of Health and Rehabilitative Services), and who have proof thereof, may also hunt and freshwater fish in Florida without a license or permit.

The proposed bill deletes the option for a \$5, 3-day, nonresident freshwater fishing license; and further provides that the fees for all hunting and fishing licenses and permits shall be reviewed by the Legislature every 5 years, beginning with the year 2000 legislative session.

The bill has an indeterminate fiscal impact.

The bill provides an effective date of July 1, 1999.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Fees for hunting and fishing licenses are regulated under ch. 372, F.S. The current annual fee for a resident hunting permit is \$11, and the current annual fee for a resident freshwater fishing license is \$12. Section 372.57(2), F. S. provides license and permit fees for residents and non-residents of the state for noncommercial fishing, for hunting, and for trapping, including a \$5, 3-day, non-resident freshwater fishing license.

In s. 372.561(5), F.S., exemptions to fees for hunting and freshwater fishing licenses and permits are provided for the following:

- Permanent and totally disabled Florida residents as certified by the United States Department of Veterans' Affairs, or its predecessor; by the United States Social Security Administration, or by any branch of the United States Armed Forces.
- Residents certified as permanently and totally disabled upon the verified written statement of a physician licensed to practice medicine in Florida, and based upon the criteria for permanent and total disability as established in ch. 440, F.S., governing Workers' Compensation. To be designated as permanently and totally disabled under ch. 440, F.S., an individual must have: a "catastrophic injury" constituted by a spinal cord injury, involving severe paralysis of a limb or the trunk; amputation involving the effective loss of a hand, foot, or leg; severe brain or closed-head injuries meeting certain criteria; second-degree burns over 25 percent or more of the total body surface; total or industrial blindness; or any other injury qualifying an employee to receive disability income benefits under Title II, or Supplemental Security Income benefits under Title XVI, of the Social Security Act.
- Residents who hold a valid identification card issued pursuant to s. 295.17., F.S. Under s. 295.17, F.S., the Florida Department of Veterans' Affairs is authorized to issue an identification card to any veteran who is a permanent Florida resident, and who has been adjudged by the United States Department of Veterans' Affairs, or its predecessor, to have a 100-percent service-connected permanent and total disability rating for compensation. An identification card may also be issued to a veteran determined to have a 100-percent service-connected total and permanent disability, and who is receiving disability retirement pay from any branch of the United States Armed Forces. The identification card may be used by the veteran as proof of 100-percent, service-connected permanent and total disability for any benefit provided by state law.

Any license issued under the provisions of this section after January 1, 1997, will expire 5 years from date of issuance and must be reissued upon request. Further, a Disability Award Notice issued by the United States Social Security Administration is not sufficient proof of permanent and total disability for purposes of receiving an exemption for license and permit fees unless the form certifies that the Florida resident is permanently and totally disabled.

Licenses, permits, and authorizations issued under s. 372.57, F.S. are non-transferrable, and must be in the possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. Certain criteria must be met when applying for a permit, license, or authorization, and exemptions for license and permit requirements are provided in this section. Included in the exemptions are persons fishing who have been accepted as a developmental service client by the Department of Health & Rehabilitative Services and to whom the department has issued proof thereof.

B. EFFECT OF PROPOSED CHANGES:

HB 467 would:

- Repeal the exemption from fees for hunting and freshwater fishing licenses and permits for totally and permanently disabled veterans and other residents, and repeal the requirement that a license issued after January 1, 1997, expires every 5 years, and must be reissued upon request.

- Repeal requirements establishing certification of total and permanent disability on a Disability Award Notice issued by the United States Social Security Administration to be used in obtaining a free hunting or freshwater fishing license or permit.
- Provide an exemption from hunting and freshwater fishing license and permit requirements for the following:
 - Any person who is blind as defined in s. 413.033, F.S.;
 - Any person who has been accepted as a client for developmental services by the Department of Children and Family Services and who has proof thereof;
 - Any disabled veteran with proof of disability from the Veterans' Administration;
 - Any person who is an amputee; and
 - Any person who is permanently confined to a wheelchair.
- Repeal the \$5, 3-day, nonresident freshwater fishing license.
- Require that the Legislature review fees for all hunting and fishing licenses issued under Chapter 372, F.S., every 5 years beginning with the 2000 Regular Session of the Legislature.

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?

No.

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

No.

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

Yes. HB 467 expands the exemption for persons not required to possess a hunting or freshwater fishing license or permit to include **any** disabled veteran with proof of disability from the Veterans' Administration; any person who is an amputee; and any person permanently confirmed to a wheelchair.

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

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

None.

(2) what is the cost of such responsibility at the new level/agency?

None.

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

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

Yes, indirectly. HB 467 has the effect of increasing fees for nonresidents who want to freshwater fish in Florida by eliminating the \$5, 3-day fishing license and requiring the purchase of a 7-day license at a cost of \$15.

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

Indeterminate. More revenue may be generated by possible sales of the 7-day, \$15 nonresident freshwater fishing license. However, implementing additional exemptions reduce license sale revenues.

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

No.

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

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

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

No.

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

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

s. 372.561, s. 372.57, and s. 372.5711, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Amends s. 372.561, F.S. to repeal the fee exemption for hunting or freshwater fishing licenses or permits for totally and permanently disabled veterans as certified by the United States Department of Veterans' Affairs, the United States Social Security Administration, or by any branch of the United States Armed Forces.

Repeals the fee exemption for hunting or freshwater fishing licenses or permits for totally and permanently disabled residents of Florida as certified by a verified written statement of a physician

licensed to practice medicine in the state of Florida, and based upon the criteria for permanent and total disability as established in ch. 440, F.S., governing Workers' Compensation.

Repeals the fee exemption for hunting or freshwater fishing licenses or permits for Florida residents holding a valid identification card issued by the Florida Department of Veterans' Affairs pursuant to s. 295.17, F.S., and who have been adjudged by the United States Department of Veterans' Affairs to have 100-percent service-connected permanent and total disability rating for compensation, or who have been determined to have a 100-percent service-connected total and permanent disability, and who are receiving disability retirement pay from any branch of the United States Armed Forces.

Repeals provisions providing for the 5-year expiration of a hunting or freshwater fishing license issued to a totally and permanently disabled veteran or resident after January 1, 1997, and repeals provisions providing for the reissuance of said license upon request.

Repeals provisions requiring that Disability Award Notices issued by the United States Social Security Administration contain certification of total and permanent disability before a veteran or resident can use the notice to obtain a permanent hunting and fishing license under the provisions of s. 372.561, F.S.

Section 2: Amends s. 372.57, F.S. to provide that persons meeting the definition of blind under s. 413.033, F.S.; persons who have been accepted as clients for developmentally disabled services by the Department of Children and Family Services and who have proof thereof; any disabled veteran with proof of disability from the Veterans' Administration; any person who is an amputee; and any person who is permanently confined to a wheelchair are exempt from license or permit requirements for hunting or freshwater fishing in Florida.

Repeals the \$5, 3-day, nonresident freshwater fishing license established in s. 372.57(2), F.S.

Section 3: Creates s. 372.5711, F.S. and provides that the Legislature review the fees for all licenses and permits issued under Chapter 372, F.S., and the exemptions thereto, every 5 years, beginning with the year 2000 Regular Session of the Legislature.

Section 4: Provides an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

The Game & Fresh Water Fish Commission estimates that increased purchases of a 7-day, \$15 freshwater fishing license by nonresidents will generate approximately \$500,000 to \$600,000 annually.

These estimated recurring revenues could be offset by the broadened fee exemptions, but the Game & Fresh Water Fish Commission has made no projections.

Information provided by the Game & Fresh Water Fish Commission shows that for fiscal year 97-98, 2,857 disability licenses were issued to totally and permanently disabled veterans and residents. Information provided by the Florida Department of Veterans' Affairs shows that based on 1990 census data extrapolated through July, 1997, Florida had a total of 177,530 disabled veterans, of which 12,000 were totally and permanently disabled. Using a 24% license exemption application rate, under HB 467, an additional 39,840 disabled veterans may apply for the exemption, costing the state about \$458,160 using an average rate of \$11.50 for a hunting or freshwater fishing license.

3. Long Run Effects Other Than Normal Growth:

Indeterminate at this time.

4. Total Revenues and Expenditures:

See A.1. and A.2. above.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Nonresidents must purchase 7-day fishing licenses at a cost of \$15 compared to the 3-day, \$5 fishing license.

2. Direct Private Sector Benefits:

There are additional exemptions for persons with disabilities from payment of fees in obtaining hunting or freshwater fishing licenses.

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

None.

D. FISCAL COMMENTS:

Although the Game & Fresh Water Fish Commission expects to see some recurring revenue benefits by repealing the 3-day, \$5, nonresident freshwater fishing license, it is likely that recurring revenues will be offset by the increased number of persons receiving an exemption from hunting or freshwater fishing license requirements.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to HB 467 because it does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 467 does not reduce the revenue-raising authority of counties or municipalities.

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

HB 467 does not reduce the state tax revenue shared with counties or municipalities.

V. COMMENTS:

The Game & Fresh Water Fish Commission is meeting with interested disabled persons and organizations to determine the merit of retaining a license program with a fee exemption, as opposed to a license exemption.

The provisions of the bill extending the exemption from hunting or freshwater fishing license requirements to any disabled veteran with proof of disability from the Veterans' Administration is an expansion of current law. The current exemption from payment of fees for a hunting or freshwater fishing license is for totally and permanently disabled veterans, as well as other totally and permanently disabled Florida residents.

The provision in the bill addressing exemptions for persons who are amputees is designed to correct an inequity in the current law. As the law reads now, only a person who is an amputee and who meets the totally and permanently disabled definition under the Workers' Compensation Law in ch. 440, F.S., receives an exemption, unless the person is a developmental services client of the Department of Children & Family Services. It should be noted that even with new language, a person born with a congenital deformity is not eligible for an exemption unless he or she is also a developmental services client with the Department of Children & Family Services.

It is expected that the sponsor of the bill will file amendments to address these equity issues.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 17, 1999, the Committee on Water and Resource Management unanimously adopted one strike-everything amendment to HB 467. The amendment removed all sections of the bill expanding the disability exemptions for freshwater fishing licenses and for hunting permits. As amended, HB 467 repeals the \$5, 3-day, nonresident freshwater fishing license, and provides that the Legislature shall review the fees for licenses and permits authorized in Chapter 372, Florida Statutes, beginning with the year 2000 Regular Session of the Legislature.

The amendment was not incorporated and is traveling separately with HB 467.

VII. SIGNATURES:

COMMITTEE ON WATER & RESOURCE MANAGEMENT:

Prepared by:

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