

**STORAGE NAME:** h1489a.nrep.doc  
**DATE:** March 28, 2001

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION  
ANALYSIS**

**BILL #:** HB 1489

**RELATING TO:** Fees & Penalties assessed by the Fish & Wildlife Conservation Commission

**SPONSOR(S):** Representative(s) Dockery

**TIED BILL(S):**

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

- (1) HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION YEAS 10 NAYS 0
  - (2) GENERAL GOVERNMENT APPROPRIATIONS
  - (3) COUNCIL FOR READY INFRASTRUCTURE
  - (4)
  - (5)
- 

**I. SUMMARY:**

HB 1489 authorizes an increase in commercial and non-commercial vessel registration fees, and specifies the purposes for which funds raised by the increase in fees may be expended. In addition, the bill transfers certain provisions relating to recreational saltwater fishing licenses from chapter 370 to chapter 372, Florida Statutes, thereby consolidating requirements for hunting, freshwater fishing, and saltwater fishing licenses and permits into one statutory chapter. The Fish and Wildlife Conservation Commission (FWCC) is authorized to create a 1-day recreational saltwater fishing license available to non-residents for a fee of \$7.50, and provisions authorizing the sale of the 3-day recreational saltwater fishing license for \$5 are deleted.

HB 1489 provides for technical cross-reference corrections, authorizes the FWCC to establish a statewide-automated license system using competitive bid procedures, authorizes increases in certain licenses and permits, and repeals the state subsidy to private landowners for hunting and fishing lands leased by the FWCC. Certain transferred and outdated provisions of Florida Statutes are repealed.

HB 1489 has a substantial fiscal impact and takes effect on July 1, 2001.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

1. Less Government                      Yes     No     N/A

HB 1489 establishes specific purposes for which the proposed increase in vessel registration fees must be expended, including more on-the-water law enforcement positions at the FWCC.

2. Lower Taxes                              Yes     No     N/A

HB 1489 authorizes increases in certain licenses and permits issued by the FWCC as well as increases in vessel registration fees.

3. Individual Freedom                      Yes     No     N/A

4. Personal Responsibility                      Yes     No     N/A

5. Family Empowerment                      Yes     No     N/A

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

**Vessel Registration Fees**

Chapter 328, Florida Statutes, provides the circumstances, conditions, and requirements for the registration of vessels in Florida. Section 328.40, F.S., authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue, handle, and record all vessel registration and title applications and certificates, including the receipt and accounting of vessel registration fees. Section 328.72, F.S., establishes fees and classification categories for vessels required to be registered within the state, and further provides that counties will receive a designated portion of the vessel registration fee and the purposes for which the county portion of the fee may be used. Under the provisions of section 328.76, F.S., the DHSMV must transfer certain vessel registration fees (less administrative costs) for deposit into the Marine Resources Conservation Trust Fund to be expended for specified purposes such as law enforcement and quality control programs, aquatic weed control, manatee protection and recovery efforts, and marine research. Portions of vessel registration fees for commercial and non-commercial vessels are distributed to the Save the Manatee Trust Fund at the FWCC, and portions of the commercial vessel registration fees are deposited directly into the General Inspection Trust Fund at the Department of Agriculture & Consumer Services.

**Chapter 370, Florida Statutes**

Chapter 370, Florida Statutes, provides for the regulation of Florida's commercial and recreational saltwater fisheries. Section 370.0603, F.S., provides for the Marine Resources Conservation Trust Fund (MRCTF) and establishes the purposes for which the fund may be used. Proceeds to be deposited into the MRCTF include commercial and recreational saltwater fishing license fees, vessel registration fees, fines and penalties assessed for violations of saltwater fishing provisions, and fees for special saltwater permits. Section 370.0605, F.S., provides the FWCC with the authority to issue recreational saltwater fishing licenses and permits, and establishes the fees and conditions under which those licenses and permits can be issued. Types of licenses regulated

under this section include annual resident and non-resident fishing licenses, 5-year fishing licenses, lifetime fishing licenses, vessel licenses, and pier licenses. Exemptions from license requirements, and free disability licenses also are provided in this section. Section 370.0608, F.S., provides for the distribution of recreational saltwater fishing licenses and specifies the purposes for which license fees can be expended.

### **Chapter 372, Florida Statutes**

Chapter 372, Florida Statutes, provides for the regulation of Florida's commercial and recreational hunters and freshwater fishers. Section 372.105, F.S., establishes the Lifetime Fish and Wildlife Trust Fund, and provides that with the exception of the saltwater portion of the lifetime sportman's license, all proceeds from the sale of lifetime licenses authorized in chapter 372 will be deposited into the fund. The principal of the trust fund can not be expended. Interest income, which can be appropriated to further the mission of the FWCC, can be spent as the respective license holders reach 16 years of age, determined actuarially on an annual basis by the FWCC. Section 372.105, F.S., establishes the Dedicated License Trust Fund and provides that the fund will be credited with revenues collected from the sale of 5-year hunting and freshwater fishing licenses. One-fifth of the revenues in the Dedicated License Trust Fund can be appropriated annually.

Section 372.561, F.S., establishes the FWCC's authority to issues licenses and permits for the taking of wild animal life and freshwater aquatic life. The FWCC is further authorized to issue free licenses and permits to disabled persons meeting specific criteria. Section 372.57, F.S., establishes the fees for licenses and permits related to recreational hunting and freshwater fishing licenses for residents and non-residents, and provides the conditions under which a license for hunting or fishing is not required. This section also contains the fees for management area permits, for recreational user fees for lands leased by the FWCC for hunting and fishing, special permits for hunting turkey, and authority for the FWCC to designate free fishing days.

Revenues from the sale of licenses and permits authorized in section 372.57, F. S., are deposited into the State Game Trust Fund, the primary operating fund of the FWCC.

### **Fees for Licenses and Permits**

In addition to the annual hunting licenses, s 372.57, F.S., requires that residents and non-residents who want to hunt wild turkeys purchase a turkey permit for a fee of \$5, the same as the permit cost when it was created in 1985. Through November 30 of this fiscal year, 11,110 hunters purchased a turkey permit in addition to a hunting license generating revenues of \$55,550.

Section 372.16, F.S., provides for a \$5 annual fee (created in 1929) for persons maintaining a private game preserve or farm that is 640 acres or smaller. Private preserves or farms produce and rear birds and animals for private and commercial purposes. Through November 30 of this fiscal year, 206 permits were issued generating a total of \$1,030.

In 1998, the Legislature amended s. 372.57, F.S., to provide that private property owners leasing property to the FWCC for hunting, fishing, or outdoor recreational purposes, would receive proceeds from the sale of recreational use permit fees (User Pay Program). For private property owners participating in the existing Landowner Payment program and converting to the User Pay Program, the Legislature directed that the FWCC make a supplemental lease payment based on the commission's lease payment in the owner's final year of participation in the old program. In fiscal year 2001-2002, the state subsidy is expected to amount to \$379,000.

Section 372.661, F.S., provide for a \$25 annual license (created in 1959) to operate private hunting preserves commercially. Through November 30 of this fiscal year, 83 hunting preserve licenses were issued generating revenues of \$2,075.

Section 372.921, F.S., establishes the fees for wildlife exhibitor licenses (created in 1967). To exhibit 10 animals or less, the fee is \$5 per year; to exhibit 11 or more animals, the fee is \$25 per year. Through November 30 2000, 463 licenses for persons exhibiting 10 or fewer animals generated \$2,315, and 1,297 licenses for persons exhibiting 11 or more animals generated \$32,425 in revenue.

C. EFFECT OF PROPOSED CHANGES:

**HB 1489 proposes the following technical changes:**

- Transfers recreational saltwater fishing licenses provisions contained in chapter 370, Florida Statutes, to chapter 372, Florida Statutes.
- Substantially rewords portions of chapter 372 to clearly delineate the FWCC's authority to issue licenses, to provide for exemptions from license requirements, and to clearly establish the fees and requirements for licenses and permits.
- Contains various cross-reference corrections.
- Repeals s. 370.0605, F.S., relating to recreational saltwater fishing licenses.
- Repeals s. 370.0615, F.S., relating to recreational saltwater lifetime fishing licenses.
- Repeals s. 370.1111, F.S., relating to the regulation of snook.
- Repeals subsections (10) and (11) of s. 370.14, F.S., relating to the regulation of crawfish, including a \$2 crawfish permit, and competitions for designing a crawfish stamp.

**HB 1489 proposes the following substantive changes:**

- Clarifies that the county portion of vessel registration fees is derived from recreational vessels only.
- Increases vessel registration fees for all classes of vessels by at least \$5 but no more than \$15.
- Provides the purposes for which the increase in vessel registration fees must be used.
- Increases fees for certain licenses and permits issued by the FWCC.
- Eliminates the state subsidy for private landowners who participate in the User Pay program by leasing lands to the FWCC for public hunting, fishing, and outdoor recreational uses.
- Authorizes the FWCC to establish a statewide automated licensing system using competitive bid procedures.
- Creates a 1-day recreational saltwater fishing license available to non-residents for a fee of \$7.50.
- Deletes authorization for a 3-day recreational saltwater fishing license available to non-residents for a fee of \$5.
- Establishes that persons charged with hunting and fishing without a license may pay a \$5 to the Clerk of the Court if a valid license can be produced prior to, or at the time of, a court hearing.
- Is effective on July 1, 2001.

D. SECTION-BY-SECTION ANALYSIS:

**Section 1.** Amends s. 328.75, F. S., to clarify that the county portion of vessel registration fees is derived from recreational vessels only. Provides for a \$5 increase in vessel registration fees for Class A-1 and Class A-2 vessels. Provides for a \$10 increase in vessel registration fees for Class 1 vessels. Provides for a \$15 increase in Class 2 through Class 5 vessels. Provides for a \$10 increase in the dealer registration certificate.

**Section 2.** Amends s. 328.76, F.S., to clarify that the \$1.50 portion of the vessel registration fee to be deposited into the Save the Manatee Trust Fund comes from commercial and non-commercial vessels. Provides that additional on-the-water law enforcement positions will be funded using the following:

- An amount equal to \$3 from each Class A-1 and Class A-2 vessel.
- An amount equal to \$8 from each Class 1 vessel.
- An amount equal to \$13 from each Class 2, Class 3, Class 4, or Class 5 vessel.
- An amount equal to \$8 from each dealer registration fee.

Provides that an amount equal to \$1 from each vessel registered in any class will be used for additional research and development of manatee avoidance technology for watercraft. Provides that an amount equal to \$1 from each vessel registered in any class will be used to fund additional manatee census efforts and manatee signage on waterways. Provides that distributions to the Invasive Plant Control Trust Fund and the General Inspection Trust Fund must be made after the distribution to the Save the Manatee Trust Fund and after funds have been set-aside for the purposes set forth above.

**Section 3.** Amends s. 370.062, F.S., to correct a cross-reference.

**Section 4.** Amends s. 370.063, F.S., to correct a cross-reference.

**Section 5.** Amends s. 372.105, F.S., to provide for the deposit of revenues from the sale of saltwater lifetime licenses into the Lifetime Fish and Wildlife Trust Fund. Provides that the interest income received from the sale of saltwater lifetime licenses may be used only for marine law enforcement efforts, marine research, and marine fishery enhancement.

**Section 6.** Amends s. 372.106, F.S., to provide for the deposit of revenues from the sale of 5-year saltwater fishing licenses into the Dedicated License Trust Fund. Provides that one-fifth of the total proceeds from the sale of 5-year saltwater licenses shall be appropriated annually to the Marine Resources Conservation Trust Fund.

**Section 7.** Amends s. 372.16, F.S., to raise the fee for a private game or farm license from \$5 to \$25 per year.

**Section 8.** Substantially rewords s. 372.561, F.S. to clarify the FWCC's authority to issue licenses, permits and authorizations to take wild animal life, freshwater aquatic life, and marine life. Authorizes the FWCC to establish a statewide automated licensing system using competitive bid procedures. Provides the FWCC with necessary rulemaking authority under chapter 120, F.S.

**Section 9.** Creates s. 372.562 to provide for free licenses and permits, and for exemptions from license and permit requirements when certain conditions have been met.

**Section 10.** Substantially rewords s. 372.57, F.S., to incorporate and clarify provisions from s. 370.0605, F.S., relating to saltwater recreational fishing licenses. Creates a 1-day recreational saltwater fishing license available to non-residents for a fee of \$7.50. Deletes the 3-day recreational saltwater fishing license available to non-residents for a fee of \$5. Increases from \$5 to \$100 the annual Florida turkey permit for non-residents. Provides that the annual Florida turkey permit for residents is not changed. Eliminates the state subsidy payment to private landowners for recreational user permit fees for lands leased by the FWCC and provides that future payments will be generated by the recreational user permit fees.

**Section 11.** Amends s. 372.571, F.S., to correct cross-references.

**Section 12.** Amends s. 372.5712, F.S., to correct cross-references.

**Section 13.** Amends s. 372.5715, F.S., to correct cross-references.

**Section 14.** Amends s. 372.574, F.S., to delete repetitive language for provisions relocated s. 372.561, F.S.

**Section 15.** Amends s. 372.573, F.S., to correct cross-references.

**Section 16.** Amends s. 372.5717, F.S., to correct cross-references.

**Section 17.** Creates s. 372.579, F.S., to authorize the FWCC to impose a processing fee not to exceed \$100 for each license or permit required by Title 68 of the Florida Administrative Code (the FWCC's regulation of fish and wild animal life). Provides the FWCC with necessary rulemaking authority under chapter 120, F.S.

**Section 18.** Amends s. 372.65, F.S., to correct cross-references.

**Section 19.** Amends s. 372.661, F.S., to increase licenses for the operation of commercial private hunting preserves from \$25 to \$50.

**Section 20.** Amends s. 372.711, F.S., to provide that persons charged with violating requirements for personal possession of licenses or permits can pay a \$5 fee to the Clerk of Court if prior to or at the time of appearance, the person can produce a valid license.

**Section 21.** Reenacts s. 372.83, F.S., relating to noncriminal infractions, to incorporate the transfer of saltwater fishing provisions from s. 370.0605, F.S., to 372.57, F.S.

**Section 22.** Amends s. 372.921, F.S., to provide that the permit fee to exhibit not more than 25 Class I or Class II animals is \$100 a year (current permit – 10 animals / \$5 per year). Provides that the fee to exhibit more than 25 Class I or Class II animals is \$250 (current permit – more than 10 animals / \$25 per year). Provides that the fee to exhibit any number of Class III animals is \$25 per year. Class I animals may not be kept as personal pets. Class II animals present a real or potential threat to human safety.

**Section 23.** Amends s. 372.922, F.S., to authorize a new \$25 per year permit for the personal possession of Class III wildlife as specified by rule of the FWCC.

**Section 24.** Amends s. 212.06, F.S., to correct a cross-reference.

**Section 25.** Amends s. 215.20, F.S., to correct a cross-reference.

**Section 26.** Repeals ss. 370.0605, 370.0615, and 370.1111, F. S., and repeals subsections (10) and (11) of s. 370.14, F.S.

**Section 27.** Provides that the bill will take effect on July 1, 2001.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

This bill is expected to substantially increase revenues deposited into the Marine Resources Conservation Trust Fund.

2. Expenditures:

N/A

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

Using information provided by the FWCC for license and permit sales for fiscal year 99-00, the following revenue estimates for fiscal year 2001-2002 can be made:

<u>TYPE OF LICENSE</u>	<u>CURRENT FEE</u>	<u>CURRENT REVENUE</u>	<u>PROPOSED FEE</u>	<u>ESTIMATED REVENUE</u>
Non-resident turkey permits	\$ 5 x 1,504	\$ 7,520	\$100 x 1,504	\$ 150,400
Private game preserves	\$ 5 x 547	\$ 2,735	\$ 25 x 564	\$ 14,100
Eliminate state subsidy for User Pay Program				\$ 379,000
Private Hunting Preserves	\$ 25 x 138	\$ 3,450	\$ 50 x 136	\$ 6,800
Wildlife Exhibitor < 10 - current	<u>Class I, II, or III</u>		<u>Class I, II</u>	
< 25 - proposed	\$ 5 x 1,218	\$ 6,090	\$ 100 x 600	\$ 60,000
Wildlife Exhibitor > 10 - current	<u>Class I, II, or III</u>		<u>Class I, II</u>	
> 25 - proposed	\$ 25 x 3,250	\$ 81,250	\$ 250 x 100	\$ 25,000
Wildlife Exhibitor (all specimens)	None	None	<u>Class III</u> \$25 x 4,100	\$ 102,500
Processing Fee	None	None	\$30 x 6,000	\$ 180,000
Non-resident recreational saltwater fishing license	(3-Day) \$ 5 x 243,084	\$1,215,420	(1-Day) \$ 7.50 x 243,084	\$ 1,823,130
Personal Pet	None	None	<u>Class III</u> \$ 25 x 2,000	\$ 50,000
<b>Total Revenues</b>		<b>\$ 1,316,465</b>		<b>\$ 2,790,930</b>

**STORAGE NAME:** h1489a.nrep.doc

**DATE:** March 28, 2001

**PAGE:** 8

<b>Vessel Classification FY 98-99**</b>	<b># Registered / Fee</b>	<b>Revenues</b>	<b># Registered / Proposed Fee FY 01-02</b>	<b>Proposed Revenues</b>
Class A-1 < 12 feet	128,081 / \$3.50	\$ 448,283.50	128,081 / \$8.50	\$ 1,088,688.50
Class A-2 12 feet - < 16 feet	224,841 / \$10.50	\$ 2,360,830.50	224,841 / \$15.50	\$ 3,485,035.50
Class 1 16 feet - < 26 feet	365,925 / \$18.50	\$ 6,769,612.50	365,925 / \$28.50	\$ 10,428,862.50
Class 2 26 feet - < 40 feet	52,937 / \$50.50	\$ 2,673,318.50	52,937 / \$65.50	\$ 3,467,373.50
Class 3 40 feet - < 65 feet	8,799 / \$82.50	\$ 725,917.50	8,799 / \$97.50	\$ 857,920.50
Class 4 65 feet - < 110 feet	388 / \$98.50	\$ 38,218.00	388 / \$113.50	\$ 44,038.00
Class 5 110 feet or more	24 / \$122.50	\$ 2,940.00	24 / \$137.50	\$ 3,300.00
Dealer Certification	6,007 / \$16.50	\$ 99,115.50	6,007 / \$26.50	\$ 159,185.50
<b>Total Revenues</b>		<b>\$13,118,236.00</b>		<b>\$19,534,386.00</b>

**\*\*Vessel Registration Information provided by the Department of Highway Safety & Motor Vehicles. Numbers are approximate and do not reflect the DHSMV's database change to registration of vessels by month of birth.**

2. Expenditures:

N/A

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

HB 1489 has a direct economic impact on the private sector as the bill provides for vessel registration fee increases, and increases in licenses and permits issued by the FWCC.

D. **FISCAL COMMENTS:**

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

Section 8 of the bill provides the FWCC with authority to adopt rules pursuant to ss. 120.536(1) and 120.54, F.S., to implement provisions relating to the establishment of a statewide automated license system.

Section 17 of the bill provides the FWCC with authority to adopt rules pursuant to the provisions of ss. 120.436(1) and 120.54, F.S., to implement provisions relating to fees for processing applications for certain licenses and permits.

C. OTHER COMMENTS:

Several members of the House Natural Resources & Environmental Protection Committee expressed concerns regarding the proposed increase of vessel registration fees. Although the members support the idea of increased on-the-water enforcement officers, the members pledged to continue working on other solutions to fund additional officer positions.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 28, 2001, the House Natural Resources & Environmental Protection Committee unanimously adopted three traveling amendments that provided for the following:

- Deleted provisions creating a Class III wildlife specimen permit for personal possession of non-domesticated household pets such as raccoons and opossums,
- Increased to 30 percent the minimum amount of recreational saltwater fishing license revenues to be used for marine law enforcement efforts, and
- Deleted a cross-reference correction that was erroneously included in the bill.

**STORAGE NAME:** h1489a.nrep.doc

**DATE:** March 28, 2001

**PAGE:** 11

VI. SIGNATURES:

COMMITTEE ON HOUSE NATURAL RESOURCES & ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

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Karon A. Molloy

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