

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Deletes certain outdated provisions relating to the Commission and its executive director.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: 327.395, 327.73, 328.72, 328.76, 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, 372.711, 372.87, 372.921, 372.922, 705.101, 212.06, and 215.20, 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: 372.555, 372.562, and 372.5716, 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 its 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.

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 327.395, F.S., is amended to clarify that anyone born after September 30, 1980 may not operate a vessel powered by a motor of 10 horsepower or greater unless such person has in his or her possession the photographic identification and a boater safety identification card issued by the Commission.

Section 2. 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 3. Section 328.72, F.S., is amended to provide that the county portion of the vessel registration fee is derived from recreational vessels only. Except for the first \$1, which shall be remitted to the state for deposit into the Save the Manatee Trust Fund created within the Fish and Wildlife Conservation Commission, moneys designated for the use of the counties shall be distributed by the tax collector to the board of county commissioners for use as provided in this section. The moneys returned to the counties are for the sole purposes of providing recreational channel marking and public launching facilities and other boating-related activities, for removal of vessels and floating structures deemed a hazard to public safety and health, and for manatee and marine mammal protection and recovery.

Section 4. Section 328.76, F.S., is amended to provide that all funds collected from the registration of vessels through the Department of Highway Safety and Motor Vehicles and the tax collectors, except for those funds designated as the county portion, shall be deposited in the Marine Resources Conservation Trust Fund for certain specified uses. The provisions relating to the distribution and uses of funds derived from vessel registrations in the Marine Resources Conservation Trust Fund are clarified.

Section 5. 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 6. 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 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 7. 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 8. 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 9. Section 370.063, F.S., relating to special recreational crawfish licenses, is amended to correct a cross-reference.

Section 10. 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 11. 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 12. 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 13. 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 therefrom, 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 therefrom, shall be appropriated annually to the Marine Resources Conservation Trust Fund.

Section 14. Section 372.16, F.S., is amended to increase the fee for private game preserves and farms from \$5 to \$25 per year.

Section 15. Section 372.555, F.S., is created to allow the Commission, using competitive bid procedures, to establish:

- A process and vendor fee for credit-card purchases of licenses, permits, and authorization numbers over the telephone;
- A process and vendor fee for the electronic sale of licenses, permits, and authorization numbers; and
- A process and vendor fee to establish a statewide automated license system.

Section 16. 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 17. 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.

Section 18. 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:

- Increases the annual resident sportsman's license from \$66 to \$71, except that an annual sportsman's license for a resident 64 years of age or older is \$12. This fee increase allows the license holder to engage in activities authorized by a bass permit.
- Creates an annual resident gold sportsman's license for \$87. The gold sportsman's 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 bass permit, a turkey permit, a Florida waterfowl permit, an archery permit, a snook permit, and a crawfish permit.
- Provides for a 3-day, nonresident freshwater fishing license for \$10 and a 3-day, nonresident saltwater fishing license for \$10.
- Increases the fee for a 7-day, nonresident freshwater fishing license from \$15 to \$20 and increases the fee for a 7-day, nonresident saltwater fishing license from \$15 to \$20.
- Increases the fee for an annual nonresident freshwater fishing license from \$30 to \$32 and increases the fee for an annual nonresident saltwater fishing license from \$30 to \$32.
- Provides that the annual Florida turkey permit for residents remains at \$5 and creates a nonresident Florida turkey permit for \$100.
- Creates an annual bass permit for residents and nonresidents of \$5.
- Authorizes the Commission to sell 5-year permits at five times the annual cost.
- Provides that a resident lifetime freshwater permit includes all activities authorized by a bass permit.

Section 19. Section 372.571, F.S., is amended to correct certain cross-references.

Section 20. Section 372.5712, F.S., is amended to correct certain cross-references.

Section 21. Section 372.5715, F.S., is amended to correct certain cross-references.

Section 22. Section 372.5716, F.S., is created to specify how the revenues from the newly created Florida bass permit are to be used. Such revenues must be used exclusively for the construction, maintenance, and operation of the Florida Bass Center at the Richloam Hatchery in Sumter County, including programs to benefit research and management of Florida bass, with special emphasis on the subspecies of largemouth bass unique to Florida. The Florida bass permit is created in s. 372.57, F.S., and is \$5 per year for both residents and nonresidents.

Section 23. Section 372.5717, F.S., is amended to correct certain cross-references.

Section 24. Section 372.573, F.S., is amended to correct certain cross-references.

Section 25. Section 372.574, F.S., is amended to require that subagents submit payment for and report the sale of licenses and permits each week to conform with the statewide automated license system. Currently, subagents submit such payments and reports as prescribed by the tax collector, but not less frequently than monthly.

Section 26. Section 372.65, F.S., is amended to correct a cross-reference and certain unnecessary language.

Section 27. Section 372.661, F.S., is amended to correct certain cross-references.

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 372.87, F.S., is amended to increase the fee for keeping, possessing, or exhibiting poisonous or venomous reptiles from \$5 to \$25.

Section 31. Section 372.921, F.S., is amended to expand the wildlife exhibition permit to include amphibian. Currently, no person, firm, corporation, or association may have or be in possession of, in captivity for the purpose of public display with or without charge or for public sale any wildlife, specifically birds, mammals, and reptiles without first obtaining a permit from the Commission.

Current law provides that the exhibition is based on the number of individual specimens that the permit holder has — \$5 for not more than 10 individual specimens, and \$25 for more than 10 individual specimens. This bill increases the fee and provides that it be based not only on the number of specimens held, but also on the class of specimen held. The fee will be \$100 per year for having not more than 25 Class I or Class II individual specimens in the aggregate for all species, and \$250 per year for more than 25 individual specimens. A Class I permit is for wildlife which, because its nature, habits, or status, shall not be possessed as a personal pet. Examples of Class I wildlife include chimpanzees, gorillas, leopards, lions, tigers, bears, and

elephants. A Class II permit is for wildlife considered to present a real or potential threat to human safety. Examples of Class II wildlife include Howler monkeys, macaques, cougars, panthers, bobcats, ocelots, coyotes, and wolves.

The bill also provides for a fee of \$25 per year for having any number of Class III individual specimens in the aggregate. A Class III permit is for wildlife to be specified by Commission rule. Class III animals are those wildlife not listed as Class I or Class II.

The Commission is authorized to adopt certain rules, including those to define Class I, Class II, and Class III types of wildlife.

Section 32. Section 372.922, F.S., is amended to clarify that if a person, firm, corporation, or association exhibiting or selling wildlife is duly permitted under the provisions of s. 372.921, F.S., that person, firm, corporation, or association is exempt from the fee requirements to receive a personal possession of wildlife permit.

Section 33. Section 705.101, F.S., is amended to provide that derelict vessel are included in the definition of “abandoned property.”

Section 34. Section 212.06, F.S., is amended to correct a cross-reference.

Section 35. Section 215.20, F.S., is amended to correct certain cross-references.

Section 36. 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.
- 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 37. 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:

- Revises the provisions relating to the county portion of vessel registration fees.
- Creates a resident Gold Sportsman License.
- Provides for a process and vendor fee: (1) for credit-card purchases of licenses, permits, and authorization numbers over the telephone; (2) for the electronic sale of licenses, permits, and authorization numbers; and (3) to establish a statewide automated license system.
- Increases the resident sportsman's license to allow the license holder to engage in activities authorized by the bass permit.
- Provides for a 3-day nonresident saltwater fishing license of \$10 and a 3-day nonresident freshwater fishing license of \$10.
- Increases the fee for a 7-day nonresident saltwater fishing license to \$20 and the fee for a 7-day nonresident freshwater fishing license to \$20.
- Increases the annual nonresident saltwater and freshwater fishing licenses to \$32.
- Creates a \$100-nonresident Florida turkey permit.
- Creates a \$5 annual Florida bass permit.
- Creates a \$5 dismissal fee for hunters and anglers who could not produce a license at the time of the arrest, but had purchased a license prior to the arrest.
- Revises and increases the wildlife exhibition permit fees.
- Increases the private hunting preserve licenses.
- Increases the private game preserves and farms licenses.

B. Private Sector Impact:

Those persons obtaining a wildlife exhibition permit, a private game preserve permit, a private hunting preserve permit or a private hunting preserve permit will have to pay more for those permits. The fees for the wildlife exhibition permit have not been increased for at least 20 years. The fee for a private preserve or farm has not been increased since 1929 and the fee for the private hunting preserve has not been increased since 1959.

	<u>Current Fee</u>	<u>Proposed Fee</u>
Private Game Preserve License	\$5	\$25
Nonresident Freshwater Fishing		
12-month	\$30	\$32
7-day	\$15	\$20
3-day	N/A	\$10
Nonresident Saltwater Fishing		
12-month	\$30	\$32
7-day	\$15	\$20
3-day	\$5	\$10
Nonresident Florida Turkey Permit	\$5	\$100
Bass Permit	None	\$5
Private Hunting Preserve License	\$25	\$50
Venomous Reptile License	\$5	\$25
Wildlife Exhibition Licenses		
10 or less specimens	\$5	
More than 10 specimens	\$25	
Class I, II — 25 or less		\$100
Class I, II — more than 25		\$250
Class III		\$25

Many states, particularly western states, charge nonresidents a significant fee to hunt big game and trophy species. Florida is the only place where one can bag an Osceola turkey. Many out-of-state hunters come to Florida specifically for this turkey. Currently, Florida charges \$5 to hunt turkey. There is no distinction between residents and nonresidents. This bill proposes to charge nonresidents \$100 to take turkey in Florida. It is not known how many persons this will affect since no records have been kept to distinguish between residents buying turkey permits and nonresidents buying turkey permits.

The bill provides for the establishment of a vendor fee to support an automated licensing system. This could have a private sector impact of up to \$1 per license and permit purchased.

The creation of the Gold Sportsman’s License could save a customer up to \$2 in administrative fees over buying each license covered by the Gold Sportsman’s License separately.

C. Government Sector Impact:

State Revenue Impact:

	<u>FY 2002-03</u>	<u>FY2003-04</u>	<u>FY 2004-05</u>
Marine Res. Conservation TF			
Vessel Reg. Fee Distribution	\$1,300,000	\$1,300,000	\$1,300,000
Nonres. Saltwater Fishing	\$1,752,377	\$1,752,377	\$1,752,377

	<u>FY 2002-03</u>	<u>FY2003-04</u>	<u>FY 2004-05</u>
<i>State Game TF</i>			
Private Game Pres. License	\$11,155	\$11,155	\$11,155
Nonresident Freshwater Fishing	\$(5,750)	\$(5,750)	\$(5,750)
Nonresident Turkey Permit	\$142,880	\$142,880	\$142,880
Bass Permit	\$1,500,000	\$1,500,000	\$1,500,000
Private Hunting Pres. Permit	\$2,750	\$2,750	\$2,750
Venomous Reptile License	\$7,725	\$7,725	\$7,725
Wildlife Exhibition License	\$88,815	\$88,815	\$88,815
Total Revenue Effect	\$4,799,952	\$4,799,952	\$4,799,952

Local Government Impact:

	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>
Vessel Reg. Fee Distribution	(\$1,300,000)	(\$1,300,000)	(\$1,300,000)

This annualized revenue estimate does not reflect that counties only began receiving this portion of the vessel registration fees this fiscal year due to a change in interpretation of the law by the Department of Highway Safety and Motor Vehicles relating to commercial vessel registration. A bill under consideration in the Special Session of the Legislature (SB 32C) would clarify and restore the previous interpretation of the law relating to vessel registration fees and therefore prevent this unintended distribution to counties from continuing.

VI. Technical Deficiencies:

On page 7, line 8, “Wildllife” should be “Wildlife”

On page 27, line 3, the provisions relating to the annual sportsman’s license should be clarified to indicate that other activities authorized by this license include the bass permit.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Natural Resources:
 Technical amendment to correct a misspelled word.

#2 by Natural Resources:
 Clarifies that the annual sportsman’s license includes activities authorized by the bass permit.