

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Environmental Preservation and Conservation Committee

BILL: SPB 7042

INTRODUCER: For consideration by the Environmental Preservation and Conservation Committee

SUBJECT: Management of fish and wildlife resources

DATE: February 6, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bascom	Kiger	EP	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill would implement recommendations from the Florida Fish and Wildlife Conservation Commission (FWC or commission), supported by the Senate Committee on Environmental Preservation's interim report no. 2005-218, FWC 5-Year License and Fee Review, to increase certain license and permit fees for residential and non-residential freshwater and saltwater fishing, and hunting. The bill makes a number of recommendations that follow the guidelines set forth in ch. 99-353, Laws of Florida, which require the Legislature to review the fees for licenses and permits, issued by the Fish and Wildlife Conservation Commission, every 5 years.

Specifically the bill:

- Authorizes the commission, tax collectors and certain subagents to request and collect donations when selling recreational licenses or permits. The proceeds from the collection of the donations are to be distributed to the Wildlife Foundation of Florida and used for purposes specified in s. 372.0215, F.S.
- Repeals the exemption under which a resident of Florida need not possess a license to fish in salt water from land or from a structure fixed to land.
- Provides an exemption to fish in salt water from land or a structure fixed to land solely to Florida residents who hold a Medicaid gold card and requires Florida residents, who fish under such exemption, to possess a Medicaid gold card and have positive proof of identification.
- Deletes exemptions from licensure requirements for Florida residents fishing for salt water species in fresh water from land or from a structure fixed to land.
- Increases fees charged to Florida residents and nonresidents for certain hunting, freshwater and saltwater fishing licenses.
- Creates a 3-day freshwater fishing license for nonresidents.

This bill amends the following sections of the Florida Statutes: 372.561, 372.562, 372.57, 372.571, and 372.661.

This bill reenacts the following sections of Florida Statutes: 372.5712, 372.5715, and 372.573.

II. Present Situation:

The Legislature created the FWC by enacting ch. 99-245, Laws of Florida, to merge the former Game and 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.

In September 1999, the Florida Senate's Committee on Natural Resources published Project Report no. 2000-63, Review of License Fees and Exemptions Authorized in Chapter 372, F.S. This report summarized the former Game and 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 and 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.

According to 2001 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 2003, Florida ranked number 1 in the nation with more than \$4 billion in retail sales generated by recreational fishing. In fiscal year 2003, 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.

In November 2005, the Florida Senate's Committee on Environmental Preservation published interim project report no. 2005-218, Fish and Wildlife Conservation Commission 5-Year License and Fee Review. This report, aside from reaffirming the findings of the committee's 2000 report, included a review of 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 Fisherman.

When comparing Florida license and permit fees with those currently offered by the same 7 states referenced in interim project report no. 2005-218, staff noted the following:

- Five of eight states offer an independent resident annual freshwater fishing license with a minimum price of \$9.50 (Alabama and Louisiana) and a maximum of \$28.00 (Texas). Florida ranks second highest with a price of \$12.00, while South Carolina (\$10) followed as third highest. Alaska (\$24), California (\$37.50), and Georgia (\$9) allowed both freshwater and saltwater fishing under one license.
- For annual resident saltwater fishing, the fees are South Carolina (\$10), Florida (\$12), Louisiana (\$14.50), Alabama (\$16), and Texas (\$33).
- Florida ranked second lowest for residential annual hunting fees at \$11. Georgia was the lowest (\$10) followed by Alabama (\$15), South Carolina (\$18), Texas (\$23), Alaska (\$25), Louisiana (\$29), and California (\$34.50).
- Six out of eight states offer an annual resident combination package of hunting and fishing and/or freshwater fishing ranging from \$17 (Georgia) to \$48 (Alaska). Florida ranks second lowest at \$22.
- Five of eight states offer an annual resident combination permit for freshwater and saltwater fishing with a minimum permit fee of \$14.50 (Louisiana) and a maximum permit fee of \$38 (Texas). Florida ranks third highest (\$24) just below Alabama (\$24.50), but higher than South Carolina (\$20). Alaska (\$24), California (\$37.50), and Georgia (\$9) allow both freshwater and saltwater fishing with a single fishing license.
- Only four of eight states provide an annual resident combination permit for hunting, freshwater fishing and saltwater fishing South Carolina (\$25), Florida (\$46.50), Alaska (\$48) and Texas (\$57). Alabama, Louisiana and Georgia provide this benefit under their sportsman's permit. Only California does not offer a combination permit for its residents.
- Six of eight states offer variations of an annual resident sportsman's permit. The fees are South Carolina (\$50), Alabama (\$59.50), Georgia (\$60), Alaska (\$62), Texas (\$64) and Florida (\$71).
- Seven of eight states offer variations of an annual resident gold sportsman's permit. The fees are South Carolina (\$50), Alabama (\$59.50), Georgia (\$60), Alaska (\$62), Texas (\$64), Florida (\$87) and Louisiana (\$100).
- Currently, three of eight states offer 3-day non-resident freshwater fishing permits Georgia (\$10.50 purchased in 1-day increments for both freshwater and saltwater fishing), Texas (\$33) and Alaska (\$35). California offers a 2-day permit (\$18.65 for both freshwater and saltwater fishing) and Louisiana offers a 4-day freshwater permit (\$15). Only Alabama and South Carolina do not offer an incremental permit for less than 7 days.
- Five of eight states offer 7-day non-resident freshwater fishing permits Georgia (\$7 for both freshwater and saltwater fishing), South Carolina (\$11), Florida (\$15), Alabama (\$31.50, special offer for Florida residents), and Alaska (\$55). Louisiana offers only 4-day nonresident permits (\$15) and California offers only 10-day non-resident permits (\$37.50). Texas provides 1-day incremental permits, however an annual permit for freshwater fishing would be more cost effective.
- Currently, four of eight states offer 3-day non-resident saltwater fishing permits Florida (\$5), Georgia (\$10.50 purchased in 1-day increments for both freshwater and saltwater

- fishing), Alaska (\$35) and Texas (\$38). California offers a 2-day permit (\$18.65 for both freshwater and saltwater fishing) and Louisiana offers a 4-day saltwater permit (\$45). Alabama does not offer a non-resident saltwater permit for less than 7 days (\$16.50). South Carolina does not offer a non-resident saltwater permit for less than 14 days (\$11).
- Four of eight states offer 7-day non-resident saltwater fishing permits Georgia (\$7 for both freshwater and saltwater fishing), Florida (\$15), Alabama (\$16.50, special offer for Florida residents), and Alaska (\$55). Louisiana offers only 4-day nonresident permits (\$45) and California offers only 10-day non-resident permits (\$37.50). Texas provides 1-day incremental permits, however an annual permit for freshwater fishing would be more cost effective. South Carolina offers a 14-day non-resident saltwater permit (\$11).
 - For annual non-resident freshwater fishing, fees are \$24 (Georgia), \$30 (Florida), \$31.50 (Alabama), \$35 (South Carolina), \$55 (Texas), \$60 (Louisiana), \$100 (California), and \$145 (Alaska).
 - Six of eight states offer some variation of a resident lifetime fishing and/or hunting license. Only Alaska and South Carolina do not. Florida is the only one of eight to offer a 5-year license for residents for hunting (\$55) and freshwater or saltwater fishing (\$60).
 - While all eight states offer exemptions to licensing requirements, Florida offers more exemptions and free licenses than any of the other seven states.
 - Florida and Texas are the only two that consider a minor 16 years of age or younger for the purposes of exemption from licensing requirements.

The FWC currently has revenue streams from the following trust funds:

- Marine Resources Conservation
- State Game
- Florida Panther Research Management
- Save the Manatee
- Non-game Wildlife
- CARL Program
- Land Acquisition
- Federal Grants
- Grants and Donations

According to the FWC, current expenditures in each of the trust funds, with the exception of the Federal Grants Trust Fund and the Grants and Donations Trust Fund, exceed revenues and by fiscal year 2010/2011 total deficits will exceed \$12.5 million. Shortfalls in revenues have been made up in each trust fund through appropriation of general revenue by the Legislature.

Projections of future recurring revenues and expenditures provided by FWC suggest deficits in each of the trust funds, with the exception of the Federal Grants Trust Fund, can be averted by an increase in donations and certain licensure fees thus removing the dependency on appropriations of general revenue.

III. Effect of Proposed Changes:

Section 1 amends s. 372.561 (13), F.S., to allow the commission, any tax collector in this state, or any subagent authorized to sell licenses and permits under s. 372.574, F.S., may request and collect donations when selling a recreational license or permit authorized under s. 372.57, F.S. All donations collected under this subsection must be transferred to the Wildlife Foundation of Florida, Inc., to be used for the purpose specified in s. 372.0215, F.S.

Section 2 amends s. 372.562, F.S.:

- To specify certain exemptions apply to only freshwater fishing.
- Establishes that the exemption from licensure, for residents fishing within his or her county of residence with live or natural bait, using poles or lines not equipped with a fishing line retrieval mechanism, does not apply when fishing in a legally established fish management area.
- Creating an exemption for residents saltwater fishing from land or from a structure fixed to land who has been issued a Medicaid gold card under the Medicaid program administered by the Agency for Health Care Administration and requiring possession of the Medicaid gold card and positive proof of identification while saltwater fishing from land or a structure fixed to land.
- To specify certain exemptions apply only to saltwater fishing.
- Deleting s. 372.562 (2) (m), F.S., any resident fishing for a saltwater species in fresh water from land or from a structure fixed to land.

Section 3 amends s. 372.57 (4) (5) (8) (h) (9) (a), F.S.:

- Increasing the annual resident freshwater fishing license from \$12 to \$15.50.
- Increasing the annual resident saltwater fishing license from \$12 to \$15.50.
- Increasing the annual resident hunting license to take game from \$11 to \$15.50.
- Increasing the annual resident combination hunting and freshwater fishing license from \$24 to \$31.
- Increasing the annual resident combination freshwater fishing and saltwater fishing license from \$24 to \$31.
- Increasing the annual resident combination hunting, freshwater fishing and saltwater fishing license from \$34 to \$46.50.
- Increasing the annual resident sportsman's license from \$71 to \$79.
- Increasing the annual resident gold sportsman's license from \$87 to \$98.50.
- Creating the non-resident 3-day freshwater fishing license for \$15.50.
- Increasing the non-resident 7-day freshwater fishing license from \$15 to \$28.50.
- Increasing the non-resident 3-day saltwater license from \$5 to \$15.50.
- Increasing the non-resident 7-day saltwater fishing license from \$15 to \$28.50.
- Increasing the annual non-resident freshwater fishing license from \$30 to \$45.50.
- Changing the minor dependent age requirement for exemption to hunt with a recreational user permit under the supervision of a permittee from 16 years of age or younger to less than 16 years of age.
- Increasing the resident 5-year freshwater fishing or saltwater fishing license from \$60 to \$77.50.
- Increasing the resident 5-year hunting license from \$55 to \$77.50.

Section 4 conforming cross-references under s. 372.571, F.S.

Section 5 conforming cross-references under s. 372.661 (2), F.S.

Section 6 reenacts s. 372.5712 (1), F.S., authorizing the commission to expend revenues generated from the sale of the Florida waterfowl permit, to incorporate amendments from the increase in license fees pursuant to s. 372.57, F.S.

Section 7 reenacts s. 372.5715 (1), F.S., authorizing the commission to expend revenues generated from the sale of the Florida wild turkey permit, to incorporate amendments from the increase on license fees pursuant to s. 372.57, F.S.

Section 8 reenacts s. 372.573, F.S., authorizing the commission to expend revenues generated from the sale of the Florida management area permit, to incorporate amendments from the increase of license fees pursuant to s. 372.57, F.S.

Section 9 provides that this act shall take effect July 1, 2007.

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:

This bill increases certain existing hunting, freshwater fishing and saltwater fishing fees for residents and non-residents.

B. Private Sector Impact:

The private sector will be expected to absorb the increase of expenditures incurred by FWC through the increase of recreational hunting, freshwater and saltwater fishing licenses.

Resident annual license holders would see an average increase of 11% - 29% for hunting, freshwater fishing and saltwater fishing.

Resident 5-year license holders would see an average increase of 23% - 29% for freshwater or saltwater fishing and hunting respectively.

Non-resident 3-day, 7-day and annual license holders would see an average increase of 34% - 68% for freshwater and saltwater fishing.

Some individuals that currently are not required to obtain licenses, because of existing exemptions or age requirements, will now be required to hold licenses if bill is adopted.

The bill offers relief to certain license requirements for citizens who hold a Medicaid gold card.

C. Government Sector Impact:

The bill will significantly increase the amount of revenue generated for the FWC under the donations and license revenues providing some relief from dependency on general appropriations. It also offers conformity to some of the licensing fee schedules by adopting similar fees for licenses.

FWC estimated fiscal impact:

Marine Fisheries Revenue Stream ⁱ	Request 2007-08	Projected 2008-09	Projected 2009-10	Projected 2010-11
Recurring Funding Gap	(2,136,959)	(3,106,274)	(4,038,802)	(4,964,236)
Optional Solutions:				
Supplemental GR - LBR	2,000,000	2,000,000	2,000,000	2,000,000
Eliminate Shoreline Exemption	442,000	884,000	1,525,000	1,724,000
Increase Resident License Fees	1,960,000	2,920,000	2,873,000	3,334,000
Increase Nonresident License Fees	2,258,000	4,311,000	4,006,000	4,759,000
Outcome for all Solutions	4,523,041	7,008,726	6,365,198	6,852,764

Freshwater Fisheries Revenue Stream ⁱ	Request 2007-08	Projected 2008-09	Projected 2009-10	Projected 2010-11
Recurring Funding Gap	(3,169,459)	(3,463,844)	(3,937,880)	(4,444,539)
Optional Solutions:				
Supplemental GR - LBR	2,000,000	2,000,000	2,000,000	2,000,000
Market Specialty Tags	59,000	123,000	193,000	234,000
Increase Resident License Fees	1,546,000	2,362,000	2,366,000	2,737,000
Increase Nonresident License Fees	(25,000)	803,000	960,000	1,489,000

Outcome for all Solutions	410,541	1,824,156	1,581,120	2,015,461
Hunting & Game Revenue Streamⁱ	Request 2007-08	Projected 2008-09	Projected 2009-10	Projected 2010-11
Recurring Funding Gap	(49,763)	(180,641)	(405,260)	(629,067)
Optional Solutions:				
Increase Resident License Fees	321,000	691,000	704,000	870,000
Outcome for all Solutions	271,237	510,359	298,740	240,933

ⁱ Projects full 3% cost growth due to inflation and treats reversions as non-recurring.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
