

Florida Fish and Wildlife Conservation Commission

Legislative Affairs Office

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2013 Session Legislative Proposal

Title: Changes to Hunting and Fishing License Residency Requirements

Submitted by: Division of Marine Fisheries Management

I. Summary of the Proposal

This proposal would change the definition of “resident” in section 379.101(30), F.S., to eliminate the six month residency requirement in order to obtain a resident recreational hunting or fishing license. It would require, however, that one of five specified documents that prove residency for other governmental agencies must be provided when acquiring a resident hunting or fishing license.

The proposal would further alter the definition of resident to eliminate the requirement that those persons applying for a resident commercial saltwater fishing license must establish residency in the county for 6 months. The requirement of one year of residency in the State is retained.

II. Present Situation

Chapter 379, F.S., deals with the Fish and Wildlife Conservation Commission (Commission). Part VI of the chapter specifically addresses licenses for recreational activities, and part VII addresses nonrecreational (or commercial) licenses.

Florida offers both resident and nonresident licenses for both recreational and commercial fishing and hunting.

Resident is defined, for the purposes of purchasing *recreational* hunting and fishing licenses, in section 379.101(30)(b), F.S., as requiring continuous residency in the State for a period of 6 months.

Resident is defined, for the purposes of purchasing a saltwater *commercial* fishing licenses, in section 379.101(30)(a), F.S., as requiring continuous residency in the State for a period of 1 year and residing in the county for 6 months. There is currently no mechanism for verifying a person’s length of county residency.

The state residency requirement for the non-recreational/commercial licenses for the following activities, however, is 6 months, as per section 379.101(30)(b):

- Section 379.363, F.S. - Freshwater Fish Dealer’s License;

- Section 379.3635, F.S. - Haul Seine and Trawl Permits;
- Section 379.364, F.S. - License Required for Fur and Hide Dealers;
- Section 379.3711, F.S. - License Fee for Private Game Preserves and Farms;
- Section 379.3712, F.S. - Private Hunting Preserve License Fees; exception; Section 379.372, F.S. - Capturing, keeping, possessing, transporting, or exhibiting venomous reptiles, reptiles of concern, conditional reptiles, or prohibited reptiles; license required;
- Section 379.373, F.S. - License fee; renewal, revocation;
- Section 379.374, F.S. - Bond required; amount;
- Section 379.3751, F.S. - Taking and possession of alligators; trapping licenses; fees;
- Section 379.3752, F.S. - Required tagging of alligators and hides; fees; revenues; Section 379.3761, F.S. - Exhibition or sale of wildlife; fees; classifications; Section 379.3762, F.S. - Personal Possession of Wildlife; and
- Section 379.377, F.S. - Tag fees for sale of Lake Okeechobee game fish.

In the past, requiring license applicants to establish residency for 6 months in order to acquire a recreational hunting or fishing license made sense because it was the mechanism to prevent temporary visitors in Florida from getting the benefit of a resident license.

Since the Florida Department of Highway Safety and Motor Vehicles implemented the changes associated with the Federal REAL ID Act of 2005 beginning on January 1, 2010, those wishing to get a Florida Driver License or Florida ID card must provide strict proof of Florida primary residence. The Federal REAL ID Act of 2005 is a nationwide effort to improve the integrity and security of State-issued driver licenses and identification cards, which in turn will help fight terrorism and reduce fraud. Federal agencies will continue to accept valid, unexpired but not yet Federal REAL ID compliant Florida licenses or ID cards for official purposes until December 1, 2014, for individuals born after December 1, 1964 or December 1, 2017 for everyone else. After the 2014 and 2017 dates, Federal agencies will no longer accept a driver license or ID card unless it is Real ID compliant. This means a person will not be allowed to board commercial flights or enter federal facilities unless they have a REAL ID compliant document. The new cards will have a gold star in the upper right corner to make them easily recognizable as Real ID compliant. A person may only hold a REAL ID driver license or a REAL ID identification card, but not both simultaneously.

In order to acquire a Florida Driver License or a Florida ID card under the REAL ID requirements, U.S. citizens must provide to the Florida Department of Highway Safety and Motor Vehicles their original or a certified copy of their birth certificate, a valid U.S. passport, or naturalization papers. Non-U.S. citizens must provide the original or a certified copy of their valid Department of Homeland Security documents. In addition, both U.S. citizens and non-U.S. citizens must provide three additional things: (1) an original valid Social Security card, original W-2 form, original pay check, original SSA-

1099 (Social Security benefit statement), or any original SSA form issued to them showing their complete Social Security number, and (2) two of the following proofs of a valid Florida residential address:

- Deed, mortgage, monthly mortgage statement, mortgage payment booklet or residential rental/lease agreement
- Florida Voter Registration Card
- Florida Vehicle Registration or Title
- Florida Boat Registration or Title (if living on a boat/houseboat)
- Two proofs of residential address from applicant's parent, step-parent, legal guardian or other person with whom the applicant resides, along with (see next)
- A statement from a parent, step-parent, legal guardian or other person with whom the applicant resides, combined with two proofs of their residential address (see above)
- A utility hook up or work order dated within 60 days of the application
- Automobile Payment Booklet
- Selective Service Card
- Medical or health card with address listed
- Current homeowner's insurance policy or bill
- Current automobile insurance policy or bill
- Educational institution transcript forms for the current school year
- Unexpired professional license issued by a government agency in the U.S.
- W-2 form or 1099 form
- Form DS2019, Certificate of Eligibility for Exchange Visitor (J-1) status
- A letter from a homeless shelter, transitional service provider, or a half-way house verifying that they receive mail for the customer. The letter must be accompanied by the Certification of Address Form (see next)
- Certification of Address Form combined with a letter from a homeless shelter, transitional service provider, or a half-way house (see above)
- Utility bills, not more than two months old
- Mail from financial institutions; including checking, savings, or investment account statements, not more than two months old
- Mail from Federal, State, County or City government agencies (including city and county agencies)
- Transients – Sexual Offender/Predator/Career Offender: - FDLE Registration form completed by local sheriff's department

A current ID card or driver license cannot be used as proof of residence to acquire a REAL ID-compliant license or ID card.

Section 322.03(1)(c), F.S., provides that part-time residents of the State of Florida used to be able to acquire a driver license or ID card that was valid only in Florida. This license or ID card was notated "Valid in Florida Only" and was valid for 6 years from the date of issuance. Persons acquiring this license or ID card could also hold a driver license or ID card from another state. For purposes of acquiring hunting and fishing licenses in

Florida, these persons were non-residents. Those who were issued these licenses can continue to hold them until their next issuance of a Florida driver license or ID card. Licenses or ID cards that are identified as “Valid in Florida Only” can no longer be issued or renewed, however. They were eliminated effective November 1, 2009.

III. Effect of Proposed Changes

This proposal would allow those who have acquired a valid Florida driver license or ID card to be eligible to purchase a resident recreational hunting or fishing license right away, without having to establish their residency for 6 months, upon submission of 1 of 6 specified documents: a valid Florida driver license or ID card, a current Florida Voter Information Card, a sworn statement manifesting and evidencing domicile in Florida, a current Florida homestead exemption, or, a child under the age of 18 may use a Florida student ID card when he or she is accompanied by his or her parent who evidences his or her residency in Florida using one of the other listed forms of identification.

The proposal would further alter the definition of resident to eliminate the requirement that those persons applying for a resident commercial saltwater fishing license must establish residency in the county for 6 months. The requirement of one year residency in the State is retained.

IV. Impact on All Pertinent Statutes/Rules/Constitution

FWC proposes the following amendment to section 379.101(30), F.S.:

379.101 Definitions

(30) “Resident” or “resident of Florida” means:

(a) For purposes of part VII of this chapter, with the exceptions noted below, ~~of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377, and for purposes of s. 379.355, citizens of the United States who have continuously resided in this state, next preceding the making of their application for hunting, fishing, or other license, for the following period of time, to wit: For 1 year in the state and 6 months in the county when applied to all fish and game laws not related to freshwater fish and game. For ss. 379.355, 379.363, 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, and 379.3762~~ “resident” or “resident of Florida” means citizens of the United States who have continuously resided in this state, next preceding the making of their application for hunting, fishing, or other license, for 6 months.

(b) For purposes of part VI of this chapter, ~~with the exception of s. 379.355, and for purposes of ss. 379.363, 379.3635, 379.364, 379.3711, 379.3712, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, 379.3762, and 379.377, any person who has continually resided in the state for 6 months or any member of the United States Armed Forces who is stationed in the state and their family members residing with them or any person who has declared Florida as their only State of residence as evidenced by one of~~

the following:

1. A valid Florida driver license or ID with a Florida address and not identified as “Valid in Florida Only”

2. Current Florida Voter Information Card

3. A sworn statement manifesting and evidencing domicile in Florida in accordance with s. 222.17

4. Current Florida Homestead Exemption

5. Children under the age of 18 may also use a student ID card from a Florida school or, when the child is accompanied by their parent at the time of purchase, their parents proof of residency.

(31) “Resident alien” shall mean those persons who have continuously resided in this state for at least 1 year ~~and 6 months in the county~~ and can provide documentation from the Bureau of Citizenship and Immigration Services evidencing permanent residency status in the United States. For the purposes of this chapter, a “resident alien” shall be considered a “resident.”

A. Does the proposed legislation conflict with existing federal law or regulations? If so, what laws and/or regulations?

No

B. Does the proposed legislation raise significant constitutional concerns under the United States or Florida Constitutions (e.g. separation of powers, access to the courts, equal protection, free speech, establishment clause, and impairment of contracts)?

No

C. Is the proposed legislation likely to generate litigation and, if so, from what interest groups or parties?

No

V. Affected Agencies and Groups

Those wishing to purchase a resident recreational hunting or fishing license, who have acquired a Florida driver license or ID card, but who have not lived in the State for 6 months will be affected by being able to purchase a resident hunting and/or fishing license following this change.

Those wishing to purchase a commercial saltwater fishing license will no longer have to prove residency in a county.

The Commission as well as all vendors who issue fishing and hunting licenses on behalf of the Commission, will continue to have to verify residency of license applicants, but using the new residency requirements.

VI. Fiscal Impact

A. On FWC

There may be a fiscal impact on the Commission, depending on how many people who cannot currently purchase a resident hunting or fishing license due to residency requirements, who would be able to purchase one following the implementation of these changes, actually purchase a resident license. Assuming those people currently prohibited from purchasing a resident license would still purchase a nonresident license, the lost revenue would be equivalent to the difference between the costs of the resident licenses and the nonresident licenses, multiplied by the number of people who take advantage of this new change. This fiscal impact is unknown, however.

B. On Other State Agencies

None

C. On Private Sector

Those in the private sector wishing to purchase a resident recreational hunting or fishing license but who are not eligible because they have not established their Florida residency for 6 months or more, will realize a positive fiscal impact of the difference between the cost of a resident license and a nonresident license if the changes in this proposal become law (as long as they can establish their residency by one of the methods listed in statute).

D. On Local Governments

None

E. Tax/Fee Issues

The fees for purchasing a recreational hunting or fishing license will be less for those persons who have not lived in Florida for at least 6 months but who have acquired a Florida driver license or ID card (because they will be able to purchase a resident license instead of a nonresident license).