



# **Florida Fish and Wildlife Conservation Commission**

**Legislative Affairs Office**

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## **2014 Session Legislative Proposal**

**Agenda Item 9B (2)**

**September 6, 2013**

**Attachment 6**

**Title: Statutory Correction for Recreational Hunting and Fishing Licensure Exemption to Clients of the Agency for Persons with Disabilities**  
**Submitted by: Office of Licensing and Permitting**

### **I. Summary of the Proposal**

This proposal would correct an antiquated and incorrect reference in the Florida Fish and Wildlife Conservation Commission's (Commission) recreational hunting and fishing licensing exemption statute. It replaces the reference to the Department of Children and Families (DCF) with a reference to the Agency for Persons with Disabilities (APD) as the agency whose clients receiving developmental disabilities services are exempted from having to possess a recreational fishing license while fishing.

### **II. Present Situation**

Unless specifically exempted by statute, any person wishing to recreationally hunt or fish in Florida must first obtain a recreational license, permit, or authorization number and pay the appropriate fee established in chapter 379, F.S. (see section 379.354(1)(a)).

In 2002, the Florida Legislature passed, and the Governor approved HB 1085 (becoming Chapter 2002-46, Laws of Florida). This law created exemptions in section 372.562(2), F.S. (now section 379.353(2), F.S.), for specified individuals from having to possess a recreational license while hunting or fishing. One exemption provides that a license is not required of "any person fishing who has been accepted as a client for developmental disabilities services by the Department of Children and Family Services, provided the department furnishes proof thereof" (see section 379.353(2)(g), F.S.). In 2002, when this law passed, the Developmental Disabilities Program existed within DCF.

In 2004, the Florida Legislature passed, and the Governor approved HB 1823 (becoming Chapter 2004-267, Laws of Florida), which created the Agency for Persons with Disabilities (APD) as an entity separate from DCF. APD was tasked with serving the need of Floridians with developmental disabilities.

### **III. Effect of Proposed Changes**

This bill would change the reference to DCF in section 379.353(2)(g), F.S., to APD, as the State agency providing services to persons with developmental disabilities.

**IV. Impact on All Pertinent Statutes/Rules/Constitution**

Section 379.353(2)(g), F.S., would be amended, as follows:

379.353 Recreational licenses and permits; exemptions from fees and requirements.—

(2) A hunting, freshwater fishing, or saltwater fishing license or permit is not required for:

(g) Any person fishing who has been accepted as a client for developmental disabilities services by the Agency for Persons with Disabilities ~~Department of Children and Family Services~~, provided the agency ~~department~~ furnishes proof thereof.

**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**

APD; the Commission

**VI. Fiscal Impact**

**A. On the Commission**

None

**B. On Other State Agencies**

None

**C. On Private Sector**

None

**D. On Local Governments**

None

**E. Tax/Fee Issues**

None